

CHARTER  
OF THE  
**Town of Elkton**

CECIL COUNTY, MARYLAND

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# **ELKTON**

## **ARTICLE I Corporate Name**

### Section C1-1. Corporate name.

This Charter is the municipal corporation Charter of the Town of Elkton, the corporate name of which is "Town of Elkton."

## **ARTICLE II General Corporate Powers**

### Section C2-1. General powers.

The Town of Elkton, here continued under its corporate name, has all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal, which may be altered at pleasure, and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated. To have and to exercise all powers now or hereafter conferred by the laws of the State of Maryland upon municipal corporations organized pursuant to the laws under which the corporation is organized and any and all acts amendatory thereof and supplemental thereto. To do all and everything necessary, suitable, or proper for the accomplishment of any of the purposes, the attainment of any of the objects, or the exercise of any of the powers herein set forth, either alone or in conjunction with other corporations, firms, or individuals, and either as principals or agents, and to do every other act or acts, thing or things, incidental or appurtenant to or growing out of or connected with the above-mentioned objects, purposes or powers. The above enumerated powers shall not be construed as limiting or restricting in any manner the powers of this municipal corporation which shall have such incidental powers as may be connected with or related to any specific power herein enumerated. (Amended during 1996 codification.)

Section C2-2. Urban renewal powers. Repealed. (See Appendix I.)

## **ARTICLE III Corporate Limits**

### Section C3-1. Corporate limits; annexations.

The corporate boundaries of the Town of Elkton shall be those in effect on the date this Charter becomes effective and any subsequent annexation thereto. A description of the corporate boundaries of the town at all times shall be on file with the Town and with the Clerk of Cecil

County. A brief description of subsequent annexations to the town is included in the Charter Appendix which appears at the end of this Charter. Complete descriptions of said annexations are on file in the administration office of the Town. (Amended during 1996 codification.)

## **ARTICLE IV**

### **Board of Commissioners**

#### Section C4-1. Number of members; selection; terms.

All legislative powers of the town are vested in a Board of Commissioners consisting of the Mayor and four (4) Commissioners, who shall be elected as hereinafter provided and who shall hold office for a term of four (4) years or until their successors take office. The regular term of members shall expire on the first regular Board meeting in June following the election of their successors. The Mayor of Elkton and the Commissioners holding office at the time this Charter becomes effective shall continue to hold office for the terms for which they were respectively elected and until their successors take office under the provisions of this Charter.

#### Section C4-2. Qualifications of members.

Members of the Board of Commissioners shall have resided in the town for at least one (1) year immediately preceding their election and shall be qualified voters of the town. A person who has been convicted of a felony or has received a dishonorable discharge from the military service of the United States shall not be eligible to become a candidate for an elected office. (Amended during 1996 codification; Ord. 2-81 (part).)

#### Section C4-3. Salaries of members.

The Mayor and Commissioners shall receive annual salaries and shall be as specified from time to time by a resolution passed by the Board of Commissioners in the regular course of its business. The Board of Commissioners may be paid such necessary bona fide expenses incurred in service in behalf of the Town as are authorized by the Board of Commissioners. (Amended during 1996 codification; Ord. 2-81 (part).)

#### Section C4-4. Meetings.

The Board of Commissioners shall meet on the first Wednesday of the month and shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the Board. Rules of the Board shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. The Mayor shall preside at each meeting of the Board, but in his absence or in case of a temporary vacancy in the office of Mayor, the Board shall name another one of its members to preside. (Amended during 1996 codification; Ord. 2-81 (part).)



Section C4-5. Judge of qualifications of members.

The Board of Commissioners shall be the judge of the election and qualifications of its members.

Section C4-6. Quorum.

A majority of the members of the Board of Commissioners shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected to the Board.

Section C4-7. Rules and order of business; journal.

The Board of Commissioners shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution or ordinance or at any other time if required by any one (1) member. The journal shall be open to public inspection.

Section C4-8. Passage of ordinances; publication; effective date.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Board of Commissioners held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, such ordinance shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of four (4) members of the Board. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following its adoption. Each ordinance shall be published by title, in full or as a fair summary in full at least twice in a newspaper having general circulation in the town, within twenty (20) days after its adoption. An emergency ordinance shall become effective on the date specified in the ordinance. (Amended during 1996 codification.)

Section C4-9. Referendum.

If, before the expiration of twenty (20) calendar days following adoption of any ordinance, a petition is filed with the Board of Commissioners containing the signatures of not less than twenty per centum (20%) of the qualified voters of the town and requesting that the ordinance or any part thereof be submitted to a vote of the qualified voters of the town for their approval or disapproval, the Board of Commissioners shall have the ordinance or the part thereof requested for referendum submitted to a vote of the qualified voters of the town at the next regular town election or, in the Board's discretion, at a special election occurring before the next regular election. No ordinance or the part thereof requested for referendum shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. Nevertheless, an emergency ordinance or the part thereof requested for referendum shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance or

any part thereof has not been submitted to the qualified voters within sixty (60) days following receipt of the petition, the operation of the ordinance or the part thereof requested for referendum shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance or part thereof disapproved by the voters shall stand repealed. The provision of this section shall not apply to any ordinance or part thereof passed under the authority of § C8–4 of this Charter, levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance or any part thereof levying special assessment charges under the provisions of § C12–1 of this Charter. The provisions of this section shall be self-executing, but the Board of Commissioners may adopt ordinances in furtherance of these provisions and not in conflict with them. (Amended during 1996 codification.)

Section C4–10. Filing of ordinances.

Ordinances shall be permanently filed by the Town and shall be kept available for public inspection. (Amended during 1996 codification; Ord. 2–81 (part).)

## **ARTICLE V**

### **The Mayor**

Section C5–1. Powers and duties.

A. *Generally.* The Mayor shall see that the ordinances of the town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the town government.

B. *Appointments and removal of employees and heads of offices, departments, boards and commissioners.* Unless otherwise provided herein, the Mayor shall appoint, subject to the confirmation of the Board, the Town Administrator, and the membership of all boards and commissions of the Town. All employees subordinate to the Town Administrator shall be employed and removed from employment consistent with law and in accordance with the rules and regulations of any personnel management system which may be adopted by the Board of Commissioners.

C. *Reports and recommendations to Board.* The Mayor each year shall report to the Board of Commissioners the condition of town affairs and make such recommendations as he deems proper for the public good and the welfare of the town.

D. *Supervision of financial administration of government.* The Mayor shall have complete supervision over the financial administration of the town government. He shall prepare or have prepared annually a budget and submit it to the Board of Commissioners. He shall supervise the administration of the budget as adopted by the Board of Commissioners. He shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

E. *Authority to require accountings.* The Mayor may call on any officer of the town who is entrusted with the receipt or expenditure of public money for a statement of such officer's accounts as often as he shall consider it proper to do so.

F. *Other powers and duties.* The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of him by the Board of Commissioners not inconsistent with this Charter.

G. The Mayor shall have the same voting powers as all Board members to vote on any resolution or ordinance that is presented and to introduce motions. (Amended during 1996 codification; Ord. 2-81 (part).)

## ARTICLE VI General Powers of Commissioners

### Section C6-1. Powers of Commissioners enumerated.

A. *General powers.* The Board of Commissioners shall have the power to pass all such ordinances not contrary to the Constitution and laws of the state of this Charter as it may deem necessary for the good government of the town; for the protection and preservation of the town's property, rights and privileges; for the preservation of peace and good order, for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of and visitors in the town.

B. *Specific powers.* The Board of Commissioners shall have, in addition the power to pass ordinances not contrary to the laws and Constitution of the State of Maryland, for the specific purposes provided in the remaining subsections of this section:

(1) *Advertising.* To provide for advertising for the purposes of the town, for printing and publishing statements as to the business of the town.

(2) *Aisles and doors.* To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.

(3) *Amusements.* To provide in the interest of the public welfare for licensing, regulating or restraining theatrical or other public or private amusements, functions or assemblies.

(4) *Appropriations.* To appropriate municipal monies for any purpose within the powers of the Board of Commissioners.

(5) *Auctioneers.* To regulate the sale of all kinds of property at auction within the town and to license auctioneers.

(6) *Band.* To establish a municipal band, symphony orchestra or other municipal organization, and to regulate by ordinance the conduct and policies thereof.

(7) *Billboards.* To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the town, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole or other place within the town.

(8) *Bridges.* To erect and maintain bridges.

(9) *Buildings.* To make reasonable regulations in regard to buildings and signs to be erected, constructed or reconstructed in the town, and to grant building permits for them; to adopt a Building Code, a Plumbing Code, an Electrical Code and other codes of a similar nature, and to appoint a Building Inspector and a Plumbing Inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down, and to assess the expense thereof against the property, making it collectible by taxes or against the occupant or occupants.

(10) *Cemeteries.* To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

(11) *Codification of ordinances.* To provide for the codification of ordinances, in accord with § C6-2 of this Charter.

(12) *Community services.* To provide, maintain and operate community and social services for the preservation and promotion of the health, recreation, welfare and enlightenment of the inhabitants of the town.

(13) *Cooperative activities.* To make agreements with other municipalities, counties, districts, bureaus, commissions and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(14) *Curfew.* To prohibit the youth of the town from being in the streets, lanes, alleys or public places at unreasonable hours of the night.

(15) *Dangerous work.* To compel persons about to undertake dangerous work to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from any such work which may be sustained by any person or property.

(16) *Departments.* To create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter; to assign additional functions or duties to offices, departments or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

(17) *Dogs.* To regulate the keeping of dogs in the town and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of them; to provide for the disposition of homeless dogs and of dogs on which no license fees or taxes are paid.

(18) *Elevators.* To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

(19) *Explosives and combustibles.* To regulate or prevent the storage of gunpowder, oil or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives or any other similar things which may endanger persons or property.

(20) *Filth.* To compel the occupant of any premises, building or outhouse situated in the town, if it has become filthy or unwholesome, to abate or cleanse the condition, and, after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expense thereof against the property, making it collectible by taxes or against the occupant or occupants.

(21) *Finances.* To levy, assess and collect ad valorem property taxes; to expend municipal funds for any public purpose not prohibited by this Charter or by law; and to have general management and control of the finances of the town.

(22) *Fire.* To suppress fires and prevent the dangers thereof and to establish and maintain a Fire Department; to contribute funds to volunteer fire companies serving the town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of town fire-hazard regulations are met; to install and maintain fireplugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

(23) *Food.* To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of, any food products; and to adopt codes which prescribe standards for the manufacture, processing, storage or distribution of food products intended for sale or consumption in the town or which provide for the licensing of persons engaged in any such activity.

(24) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies and any other which may be deemed advantageous and beneficial to the town, subject to the limitations and provisions of Article 23 of the Annotated Code of Maryland (1957 Edition). No franchise shall be granted for a longer period than fifty (50) years.

(25) *Garbage.* To prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points; to require slops,

garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(26) *Grants-in-aid.* To accept gifts and grants from an individual, corporation or governmental body of [or] any agency thereof, and to expend the funds for any lawful purpose, agreeably to the conditions under which the gifts or grants were made.

(27) *Hawkers.* To license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all other persons selling any articles or services on the streets or public places of the town, and to revoke such licenses for any action or threat of action by such a licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the town or to their welfare or happiness.

(28) *Health.* To protect and preserve the health of the town and its inhabitants; to appoint a public health officer and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the town; to establish quarantine regulations and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate and abate any buildings, structures or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, the County Board of Health or any public general or local law relating to the subject of health.

(29) *House numbers.* To regulate the numbering of houses and lots and to compel owners to number or renumber them in accord with town regulations, or in default thereof to authorize and require the work to be done by the town at the owner's expense, such expense to constitute a lien upon the property, collectible as tax monies.

(30) *Jail.* To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the town or to use the county jail for such purpose.

(31) *Licenses.* Subject to any restrictions imposed by the public general laws of the state, to license and regulate all persons beginning or conducting transient or permanent business in the town for the sale of any goods, wares, merchandise or services; to license and regulate any business, occupation, trade, calling or place of amusement or business; and to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

(32) *Liens.* To provide that any valid charges, taxes or assessments made against any real or personal property within the town shall be liens upon the property, to be collected as municipal taxes are collected.

(33) *Lights.* To provide for the lighting of the town.

(34) *Livestock.* To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs or other animals; to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.

(35) *Markets.* To obtain by lease or rent, and to own, construct, purchase, operate and maintain, public markets within the town.

(36) *Minor privileges.* To regulate or prevent the use of public ways, sidewalks and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements and display of goods, wares and merchandise.

(37) *Noise.* To regulate or prohibit unreasonable ringing of bells, crying of goods, sounding of whistles and horns, and the use of sound-amplifying devices.

(38) *Nuisances.* To prevent or abate by appropriate ordinance all nuisances in the town which are so defined at common law, by this Charter or by the laws of the state, whether they be herein specifically named or not; to regulate, to prohibit, to control the location of or require the removal from the town of all trading in, handling of or manufacture of any commodity which is or may become offensive, obnoxious or injurious to the public comfort or health. In this connection the town may regulate, prohibit, control the location of or require the removal from the town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries and rendering plants. This listing is by way of enumeration, not limitation.

(39) *Obstructions.* To remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto or any other places within the limits of the town.

(40) *Parking facilities.* To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate and maintain parking lots and other facilities for off-street parking.

(41) *Parking meters.* To install parking meters on the streets and public places of the town in such places as by ordinance the Board of Commissioners may determine, and by ordinance to prescribe rates and provision for the use thereof.

(42) *Parks and recreation.* To establish and maintain public parks, gardens, playgrounds and other recreational facilities and programs to promote the health, welfare and enjoyment of the inhabitants of the town.

(43) *Police force.* To establish, operate and maintain a police force. All town policemen within the municipality shall have the powers and authority of constables of this state.

(44) *Police powers.* To prohibit, suppress and punish within the town all vice, gambling and games of chance, prostitution and solicitation therefore [therefor] and the keeping of bawdy houses and houses of ill fame, all tramps and vagrants, all disorder, disturbances,

annoyances, disorderly conduct, obscenity, public profanity and drunkenness; to enforce all laws and ordinances of the town, County of Cecil and the State of Maryland.

(45) *Property.* To acquire by conveyance, purchase or gift real or leasable property for any public purpose; to erect buildings and structures thereon for the benefit of the town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the town.

(46) *Quarantine.* To establish quarantine regulations in the interests of the public health.

(47) *Regulations.* To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic speed, parking and other similar regulations not in conflict with the laws of the state or with this Charter.

(48) *Sidewalks.* To regulate the use of sidewalks and all structures in, under or above them; to require the owner or occupant of premises to keep the sidewalks in front thereof free from ice, snow or other obstructions; to prescribe hours for cleaning sidewalks.

(49) *Sweepings.* To regulate or prevent the throwing or depositing of sweepings, dust ashes, offal, garbage, paper, handbills, dirty liquids or other unwholesome materials into any public way or on any public or private property in the town.

(50) *Taxicabs.* To license, tax and regulate public hackmen, taxicab men, draymen, drivers, cabmen, porters and expressmen and all other persons pursuing like occupations.

(51) *Vehicles.* To regulate and license wagons and other vehicles not subject to the licensing powers of the state.

(52) *Voting machines.* To purchase, lease, borrow, install and maintain voting machines for use in town elections.

(53) *Zoning.* To exercise the powers as to planning and zoning conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland (1957 Edition) subject to the limitations and provisions of that Article but regardless of the population of the town.

(54) *Saving clause.* The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned. (Amended during 1996 codification.)



Section C6-2. Codification of ordinances.

A. The Board of Commissioners may codify or recodify any or all of the ordinances of the town, in permanently bound or loose-leaf form. Such ordinances may be changed, altered or amended in such manner as the Board may direct, and ordinances or portions thereof may be deleted and new material may be added as directed by the Board. Such changes, alterations, amendments or deletions and such new material shall become effective on the effective date of the codification or recodification.

B. Ordinances relating to zoning may be included in such codification or recodification of ordinances; provided that no change, alteration, amendment, deletion or addition of a substantive nature shall be made and no new material of a substantive nature shall be added to such ordinances except in conformance with the Zoning Ordinance of the town regarding adoption and amendment. Renumbering or rearranging of sections, Articles or other divisions of a Zoning Ordinance shall not be deemed to be a change, alteration or amendment of substantive nature.

C. Any such codification or recodification may be adopted by reference by a single ordinance without further publication of such codification or recodification or any portions thereof. The ordinance adopting such codification or recodification shall comply with all laws of the state and any provision of this Charter governing adoption of ordinances.

D. Supplements for any such codification or recodification may be prepared from time to time at the direction of the Board of Commissioners, either as a unit or on a replacement page basis; provided that where replacement pages are prepared, a distinguishing mark or notation shall be placed on each replacement page to distinguish it from original pages and pages of other supplements. No further adoption procedures shall be required for a supplement in which no substantive change is made in ordinances validly adopted by the Board. If changes, alterations, amendments, deletions or additions of a substantive nature are made in any such supplement, then such supplement shall be adopted by the Board of Commissioners in the same manner provided in this section for the adoption of codifications and recodifications.

E. At least one (1) copy of codification or recodification adopted hereunder and at least one (1) copy of every supplement thereto shall be kept by the Town and shall there be available for public inspection during normal business hours. (Amended during 1996 codification.)

Section C6-3. Exercise of power.

For the purpose of carrying out the powers granted in this Charter, the Board of Commissioners may pass all necessary ordinances. All the powers of the town shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section C6-4. Enforcement of ordinances.

A. To ensure the observance of the ordinances of the Town, the Mayor and Commissioners have the power to provide that violation thereof shall be a misdemeanor, unless specified as a municipal infraction, and shall have the power to affix thereto penalties of a fine, and/or imprisonment, for any amount and/or any time up to the maximum authorized by the State of Maryland for municipalities to impose for the violation of its laws. Any person subject to any fine, forfeiture or penalty has the right to appeal to the Circuit Court of Cecil County in accordance with the provisions of law. The Mayor and Commissioners may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one (1) violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

B. The Mayor and Commissioners may provide that violations of any municipal ordinance shall be a municipal infraction, unless that violation is declared to be a felony or misdemeanor by the laws of the state or other ordinance. For purpose of this section a municipal infraction is a civil offense.

C. A fine for any amount up to the maximum authorized by the State of Maryland for municipalities to impose for the violation of its laws may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) calendar days of receipt of a citation, unless otherwise provided by law. Each day a violation continues shall constitute a separate offense.

D. Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the town in writing of this intention at least five (5) days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in an additional fine or adjudication by the court.

E. Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction. (Amended during 1996 codification.)

**ARTICLE VII**  
**Registration, Nomination and Elections**  
(See Note (1))

Section C7-1. Qualification of voters.

Every person who is a citizen of the United States, is at least eighteen (18) years of age, has resided in the town for thirty (30) days next preceding any town election and is registered in accordance with the provisions of this Charter is a qualified voter of the town. Every qualified voter of the town is entitled to vote at all town elections.

Section C7-2. Contests and appeals.

Contests concerning registration, voting or the validity of any ballot under §§ C7-2 through C7-5 shall be decided by the Board having jurisdiction of the matter. No registration shall be denied and no ballot rejected except by the unanimous vote of the entire Board. Any candidate or absentee voter aggrieved by any decision or action of such Board shall have the right to appeal to the Circuit Court for Cecil County to review such decision or action, and jurisdiction to hear and determine such appeals is hereby conferred upon said Court. Such appeals shall be taken by way of petition filed with the appropriate Court within five (5) days from the date of the completion of the official canvases by any Board of all the votes cast at any election and shall be heard de novo and without a jury by said Court as soon as possible. There shall be further right of appeal to the Court of Appeals, provided such appeal shall be taken within forty-eight (48) hours from the entry of the decision of the lower Court complained of, and all such appeals shall be heard and decided on the original papers, including a typewritten transcript of the testimony taken in such cases, by the Court of Appeals, as soon as possible after the same have been transmitted to said Court. Said original papers, including the testimony, shall be transmitted to the Court of Appeals within five (5) days from the taking of the appeal. (Amended during 1996 codification.)

Section C7-3. Board of Supervisors of Elections: general powers.

The Board of Supervisors of Elections is hereby authorized and empowered to do any and all acts, the carrying out of which is committed to said Board by the Town Charter for voting by persons who are absentee voters, and to accept and expend any funds made available to it by the town for the purpose of defraying the costs and expenses incurred in connection therewith, including its services. The Board of Election Supervisors is hereby authorized and empowered to use any and all facilities that may be furnished by the town for the purpose of transmitting to and from absentee voters applications for absentee ballots, envelopes, instructions and all other printed matter that may be permitted to be transmitted by the Town Charter and generally to cooperate in every way with military and civil officers of the United States and with all such departments, commissions and agencies thereof in order to enable such persons to vote. (Amended during 1996 codification.)

Section C7-4. Authority to change ballots and material to conform to congressional acts.

If any act or acts of Congress now or hereafter in effect providing for voting by mail of all or any of the persons who are absentee residents or voters as defined in §§ C7-2 through C7-5 requires the execution of an oath on the ballot envelope, or otherwise, or requires other printing on any of said ballot material, which is different from that required on the ballot envelope or other ballot material as provided in said §§ C7-2 through C7-5, such ballot, if completed in accordance with such act of Congress, whether or not completed in accordance with said sections, shall be accepted as having complied with the requirements of said §§ C7-2 through C7-5, provided any such change does not conflict with any provision of the Charter of this town and shall not provide or prescribe any oath which would not furnish the information needed to enable any Board to register the affiant as a qualified voter under the Charter of said town. (Amended during 1996 codification.)

Section C7-5. Penalties.

Any person who shall violate any of the provisions of §§ C7-2 through C7-5 shall, upon conviction, be sentenced to pay a fine of not more than one thousand dollars (\$1000.) or be sentenced to imprisonment for not more than six (6) months, or both, in the discretion of the court. These penalties shall be in addition to the penalties as provided in § C7-14 of the Charter of said town. (Amended during 1996 codification; Ord. 2-81 (part).)

Section C7-6. Board of Supervisors of Elections.

A. There shall be a Board of Supervisors of Elections consisting of not less than five (5), but may be more than five (5) members who shall be appointed by the Board of Commissioners on or before the first Monday in March in 1996 and in every even-numbered year thereafter; and the Registers of voters holding office at the time this Charter becomes effective shall continue in office and shall perform their duties until the Board of Supervisors of Elections is appointed and qualifies under this section. The terms of members of the Board of Supervisors of Elections begin on the first Monday in March in the year in which they are appointed and run for two (2) years. Members of the Board of Supervisors of Elections shall be qualified voters of the town and shall not hold or be candidates for any elective office during their term of office. The Board of Supervisors of Elections shall recommend one of its members as Chairman to the Board of Commissioners. Vacancies on such Board shall be filled by the Board of Commissioners for the remainder of the unexpired term. The compensation of the members of the Board of Supervisors of Elections shall be determined by the Board of Commissioners.

B. Any member of the Board of Supervisors of Elections may be removed for good cause by the Board of Commissioners if in the judgment of that Board of Commissioners the member is not properly performing or will not properly perform the duties of the position. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Board of Commissioners if he so requests within ten (10) days after receiving the written copy of the charges.

C. The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations and all town elections, including the making of the count and official canvass of the votes. The Board may appoint election clerks or other employees to assist it in any of its duties.

D. The Board of Supervisors of Elections shall keep the polls open from 7:00 a.m. to 8:00 p.m. (Amended during 1996 codification.)

Section C7-7. Registration procedure.

A. Registration shall be permanent and no person is entitled to vote in the town elections unless he is registered.

B. The Board of Commissioners, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for the registration when necessary.

C. Registration with the Cecil County Board of Elections by a voter who resides in the Town shall be deemed registered for elections in the Town. A person continues to have the choice to register only with the Town for its elections and not to register with the Cecil County Board of Elections. Persons desiring to register only with the Town may register in the Administration Office during normal working hours. (Amended during 1996 codification.)

Section C7-8. Election dates; filing as candidates; terms of office.

A. On the fourth Tuesday in May, every four years, the duly registered voters shall elect by ballot a Mayor, who shall serve for a term of four (4) years and until his successor is duly elected and qualified.

B. On the fourth Tuesday in May of each and every two (2) years, the duly registered voters shall elect by ballot two (2) Commissioners, who shall serve for a term of four (4) years and until their successors are duly elected and qualified.

C. No person shall be entitled to have his or her name placed on the ballot or be voted for as a candidate for Mayor or Commissioner who shall not have filed with the Board of Commissioners by 4:00 p.m. on the first Tuesday in May on which is to be held the election at which he or she is a candidate, a certificate under oath, setting forth for which office he or she is a candidate and his or her qualifications therefor under the provisions of this Charter; and the Board of Commissioners shall give ample public notice of any such election at least ten (10) days before the date thereof.

D. Any Commissioner who shall file for election to the office of Mayor shall first resign his or her seat on the Board of Commissioners. (Amended during 1996 codification.)

Section C7-9. Special elections.

All special town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular town elections. (Amended during 1996 codification.)

Section C7-10. Vote count.

Within forty-eight (48) hours after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Town, who shall record the results in the minutes of the Board of Commissioners. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The two (2) candidates for Commissioner with

highest number of votes in the general election shall be declared elected as Commissioners. (Amended during 1996 codification.)

Section C7-11. Preservation of ballots.

All ballots used in any town election shall be preserved for at least six (6) months from the date of the election. (Amended during 1996 codification.)

Section C7-12. Filling vacancies.

In the case of a vacancy on the Board of Commissioners for any reason, that Board shall elect some qualified person to fill the vacancy for the unexpired term. In case of a vacancy in the office of Mayor for any reason, the Board of Commissioners shall elect some qualified person to fill the vacancy for the remainder of the unexpired term. Any vacancies on the Board of Commissioners or in the office of Mayor shall be filled by the favorable votes of a majority of the remaining members of the Board of Commissioners. The results of any such vote shall be recorded in the minutes of the Board of Commissioners. (Amended during 1996 codification.)

Section C7-13. Regulation and control by Board of Commissioners.

The Board of Commissioners has the power to provide, by ordinance, in every respect not covered by the provisions of this Charter, for the conduct of registration, nomination and town elections and for the prevention of fraud in connection therewith and for a recount of ballots in case of doubt or fraud. (Amended during 1996 codification.)

Section C7-14. Penalties.

Any person who fails to perform any duty required of him under the provisions of this Article or any ordinances passed thereunder, or in any manner willfully or corruptly violates any of the provisions of this Article or any ordinances passed thereunder, or willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination or town election, is guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment, and forfeiture of office or employment shall not be construed as a bar to the imposition of a fine or imprisonment, or both, for the commission of the misdemeanor. (Amended during 1996 codification.)

Section C7-15. Corrupt practices.

The provisions, prohibitions, and penalties prescribed in Sections 24-1 to 24-31, Article 33, Annotated Code of Maryland (1993 Edition) relating to corrupt practices at general and primary elections, are hereby declared to be applicable to all elections held by virtue of the authority given in this Charter, and to be applicable to the acts of all persons in connection with or relating to such elections or any of them, so far as they may or can be applicable. (Amended during 1996 codification.)

Section C7-16. Failure to hold election; effect.

If the inhabitants of the town shall at any time neglect to hold an election as directed in this Charter, the power of electing the Mayor and other members of the Board of Commissioners shall not thereupon cease, but shall continue as though such election has been made; and the Mayor and Commissioners for the time being shall remain in office until such annual election shall be held. (Amended during 1996 codification.)

Section C7-17. Areas not covered in Town Charter.

In the case of any areas not covered in the election laws of the Town Charter, the Registration and Election Laws of the State of Maryland shall apply. (Added during 1996 codification.)

## **ARTICLE VIII**

### **Finance Department**

Section C8-1. Powers and duties of Finance Department.

A. The Finance Department is hereby charged to do the following:

(1) Deposit funds of the town in such banks or trust companies and savings and loans associations as the Board of Commissioners may designate, subject to such adequate requirement as to security and interest as may be provided by law; and invest funds of the Town as the Board of Commissioners may designate consistent with the state law.

(2) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

(3) Maintain a general accounting system for the town in such form as the Board of Commissioners may require, not contrary to state law.

(4) Submit to the Board of Commissioners at the end of each fiscal year, and at such other times as the Board of Commissioners may require, a complete financial statement showing the assets, liabilities and financial condition of the town.

(5) Ascertain that all taxable property within the town is assessed for taxation.

(6) Collect all taxes, special assessments, license fees, liens and all other revenues (including utility revenues) of the town, and all other revenues for whose collection the town is responsible, and receive any funds receivable by the town.

(7) Have custody of all public monies belonging to or under the control of the town, except, as to funds in the control of any one (1) or more trustees, and have custody of all bonds and notes of the town.

(8) Do such other things in relation to the fiscal or financial affairs of the town as the Mayor or the Board of Commissioners may require or as may be required elsewhere in this Charter.

B. Before any deed for conveyance of real estate or chattels real within the limits of the town shall be received for record by the Clerk of the Circuit Court for Cecil County, the person offering such deed for record shall submit it to the Finance Department who shall thereupon make transfer of such property upon the town assessment books to the name of the new owner or owners thereof, and as evidence of such transfer shall stamp the deed showing transfer and the payment of all taxes, paving assessments, sewer and water connection charges, water and sewer rents and any and all other liens against the property to be conveyed in such deed and due the town; provided that no property shall be transferred on the town assessment books and no deed shall be stamped unless and until all taxes, paving assessments, sewer and water connection charges, water and sewer current billing and prepaid billing and any and all other liens against the property to be conveyed in the deed and due the town have been paid to the Finance Department. (Amended during 1996 codification.)

#### Section C8-2. Tax anticipation borrowing.

During any fiscal year the town may borrow in anticipation of the collection of the property taxes levied for that fiscal year and may issue tax anticipation notes or other evidence of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidence of indebtedness shall be a first lien upon the proceeds of such taxes and shall mature during that current fiscal year in which they are due. No tax anticipation notes or other evidence of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed fifty per centum (50%) of the property tax levy for the fiscal year in which the notes or other evidence of indebtedness are issued. All tax anticipation notes or other evidence of indebtedness may be authorized by resolution of the Town Board before being issued. The Board of Commissioners shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

#### Section C8-3. Borrowing powers; procedures; limitations.

A. The Board of Commissioners shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of bonds in the manner prescribed by and pursuant to law; provided that the Board of Commissioners shall issue no bonds if, by the issuance thereof, the total bonded indebtedness of the town incurred, less the amount of sinking funds established for the retirement thereof, would then exceed 5.6% of the assessed value of all real and personal property taxable for municipal purposes by the town.

B. In addition to the above powers of the Board of Commissioners may, whenever it deems necessary, by resolution, borrow money on the faith and credit of said town by note or otherwise, in any amount it deems necessary for capital improvements or for other purposes deemed appropriate by the Board, provided that said indebtedness thus created shall not exceed 1.8% of the assessed value of all real and personal property taxable for municipal purposes by



the town at the time of issuance, and provided further that said indebtedness shall mature no later than twenty (20) years from the date of this creation. (Amended during 1996 codification; Ord. 41-85, Res. No. R9-2003, 1/8/04.)

Section C8-4. Payment of indebtedness.

The power and obligation of the town to pay any and all bonds, notes or other evidences of indebtedness issued by it under the authority of this Charter shall be unlimited unless stated to the contrary at the time the indebtedness is incurred, and the town shall levy ad valorem taxes upon all the taxable property of the town for the payment of such bonds, notes or other evidences of indebtedness and interest thereon, without limitation of amount. The faith and credit of the town is hereby pledged for the payment of the principal of and interest on all bonds, notes or other evidences of indebtedness issued under the authority of this Charter unless stated to the contrary at the time the indebtedness is incurred.

Section C8-5. Previous bond issues.

All bonds, notes or other evidences of indebtedness validly issued by the town previous to the effective date of this Charter and all ordinances validly passed concerning them are hereby declared to be valid, legal and binding and of full force and effect as if herein fully set forth.

Section C8-6. Fiscal year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July in any year and shall end on the last day of June in the following year. The fiscal year constitutes the tax year, the budget year and the accounting year.

Section C8-7. Budget generally.

The Mayor, on such date as the Board of Commissioners by resolution determines, but at least thirty-two (32) days before the beginning of any fiscal year, shall submit a budget to the Board. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The budget shall be a public record in the Finance Department open to public inspection by anyone during normal business hours. (Amended during 1996 codification.)

Section C8-8. Adoption of budget.

Before adopting a budget the Board of Commissioners shall hold a public hearing thereon after two (2) weeks notice thereof in some newspaper or newspapers having general circulation within the town. The Board of Commissioners may insert new items or may increase or decrease the items of the budget. If the Board increases the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the Board of Commissioners is

necessary for adoption. The Board of Commissioners shall have the power to amend the budget from time to time as deemed necessary. (Amended during 1996 codification.)

Section C8-9. Appropriations.

No public money may be expended without having been appropriated by the Board of Commissioners. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein.

Section C8-10. Transfer of funds.

Any transfer of funds between appropriations for different purposes must be approved by the Board of Commissioners before becoming effective.

Section C8-11. Overexpenditures prohibited.

No officer or employee during any budget year may expend or contract to expend any money or incur any liability or enter into any liability or enter into any contract which by its terms involved the expenditure of money for any purpose in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter; provided that if a majority of the Board of Commissioners deems it necessary, monies in the contingency fund may be used to pay unforeseen expenses necessarily incurred by the Board of Commissioners and for which an appropriation was not made in the annual budget. Any contract, verbal or written, made in violation of this Charter is null and void. Nothing in this section contained, however, prevents the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which the contract is made, when the contract is permitted by law.

Section C8-12. Appropriations lapse after one year.

All appropriations lapse at the end of the budget year to the extent that they are not expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and be incorporated into the next fiscal year's budget for the Town of Elkton. (Ord. 2-81 (part).)

Section C8-13. Checks.

All checks shall issue from the Finance Department in accordance with procedures established by the Board of Commissioners. (Amended during 1996 codification.)

Section C8-14. Taxable property.

All real property and all tangible personal property within the corporate limits of the town, or personal property which may have a situs there by reason of the residence of the owner

therein, is subject to taxation for municipal purposes, and the assessment used shall be the same as that for state and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly.

Section C8–15. Budget authorizes levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax constitutes a determination of the amount of the tax levy in the corresponding tax year.

Section C8–16. Notice of tax levy.

Immediately after the levy is made by the Board of Commissioners in each year, the Finance Department shall give notice of the making of the levy by publishing it in a newspaper of general circulation in the town or by posting a notice thereof in some public place or places in the town. He shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on his property. (Amended during 1996 codification; Ord. 29–84.)

Section C8–17. Discount for early payment.

The Board of Commissioners has power to pass ordinances, not inconsistent with the provisions of this Charter, regulating the time and manner of payment of taxes and to provide for an early payment thereof by making provisions for the allowance of discounts therefor.

Section C8–18. When taxes are overdue.

The taxes provided for in § C8–15 of this Charter for real property are due and payable on the first day of July in the year for which they are levied and are overdue in accordance with the provisions of law. Personal property taxes shall be due and payable on the date the bill is issued and overdue and in arrears at the end of the third calendar month from the billing date. They shall bear interest while in arrears at a rate determined annually by the Board of Commissioners at the time of the adoption of the annual budget. If the Board of Commissioners fails to adopt the new rate, the rate in effect the previous year shall apply. Nothing in this section shall prevent the Town from implementing a semiannual property tax payment schedule in compliance with state law. (Amended during 1996 codification; Res. dated 7/26/95: Res. 4–89.)

Section C8–19. Sale of tax–delinquent property.

A list of all real property on which the town taxes have not been paid and are in arrears as provided in § C8–18 of this Charter shall be turned over by the Finance Department to the official of Cecil County responsible for the sale of tax–delinquent property as provided in state

law. All property listed thereon, if necessary, shall be sold for taxes by such Cecil County official in the manner prescribed by state law. (Amended during 1996 codification.)

Section C8–20. Fees.

All fees received by an officer or employee of the town government in his official capacity shall belong to the town and be accounted for to the town.

Section C8–21. Audit.

The financial books and accounts of the town shall be audited annually as required by § 40 of Article 19 of the Annotated Code of Maryland. (1990 Edition, as amended.) (Amended during 1996 codification.)

Section C8–22. Purchasing and contracts.

All purchases and contracts for the town shall be made by the person designated by the Board of Commissioners for such purpose. The Board of Commissioners may provide by ordinance or resolution for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts. All written contracts may be protected by such bonds, penalties and conditions as the town may require. (Ord. 2–81 (part).)

Section C8–23. Contributions to Singerly Fire Company.

The Town of Elkton, in making its tax levy, shall pay three cents (\$0.03) on each one hundred dollars (\$100.) of said real property levy for the maintenance and equipment of the Singerly Fire Company of Elkton, Maryland. (Amended 4/18/79; 5/16/79.)

**ARTICLE IX**  
**Town Officers and Personnel**  
(See Note (2))

Section C9–1. Town Administrator; functions, powers and duties.

The Town Administrator shall be responsible to the Board of Commissioners for the proper administration of all affairs of the Town placed in his charge and pursuant thereto he shall have the following functions, powers and duties:

A. To be responsible for the efficient administration of all administrative departments of the Town government.

B. To be responsible for the enforcement of the ordinances, official directives, other laws of the Town, and those general laws of the State applicable to Home Rule Cities.

C. To hire, suspend, transfer and discharge Town employees except as otherwise provided by the Board of Commissioners.

D. To hire and make appointments on the basis of administrative ability as well as training and experience in the work to be performed.

E. To cause a proposed budget to be prepared annually and submitted to the Board of Commissioners and be responsible for the administration of the budget after its adoption, all in accordance with this Charter and under policies formulated by the Board of Commissioners.

F. To prepare and submit to the Board of Commissioners as of the end of the fiscal year a complete report on finances and administrative activities of the Town for the preceding year, and upon request of the Board of Commissioners, make written or verbal reports at any time concerning the affairs of the Town under his supervision.

G. To keep the Board of Commissioners advised of the financial condition and future needs of the Town and make such recommendations to the Board of Commissioners for adoption as he may deem necessary or expedient.

H. To exercise and control over the various Town departments and recommend to the Board of Commissioners any proposal he thinks advisable to establish, consolidate or abolish departments.

I. To be responsible for the enforcement of all terms and conditions imposed in favor of the Town in any contract or franchise, and upon knowledge of any violation thereof, report the same to the Board of Commissioners for such action and proceedings as may be necessary to enforce the same.

J. To attend Board of Commissioners meetings and the privilege to participate in discussions with Board of Commissioners in an advisory capacity without the right to vote.

K. To inform the public concerning plans and activities of the Board of Commissioners and of the Town administration.

L. To be responsible for a system of accounting and auditing for the Town which shall reflect, in accordance with generally accepted municipal accounting principles, the financial condition and financial operation of the Town.

M. To be responsible for engineering, architectural maintenance and construction services as may be required by the Town, within the limitations of the Town budget.

N. To be responsible for contracting and purchasing within the limitations of the budget, all supplies, materials, equipment, and services required by any department, office, or agency of the Town, and in such capacity shall serve as Purchasing Agent for the Town unless another person is designated by the Board of Commissioners upon recommendation of the Town

Administrator, and shall submit to the Board of Commissioners for approval, appropriate rules and regulations governing purchases on behalf of the Town.

O. To dispose of property of the Town in accordance with procedures established by the Board of Commissioners and subject to the provisions of this Charter.

P. To recommend for approval by the Board of Commissioners, appropriate personnel rules and regulations governing officers and employees of the Town, subject to the provisions of this Charter.

Q. To carry out all policies, duties, orders and other directives of the Mayor and Commissioners. (Amended during 1996 codification.)

#### Section C9-2. Town Attorney and other professional services.

The Mayor, with the approval of the Board of Commissioners, may appoint a Town Attorney annually. The Town Attorney shall be a member of the bar of the highest court of the state. The Town Attorney is the legal advisor of the town and shall perform such duties in this connection as may be required by the Board of Commissioners or the Mayor. The town has the power to employ such professional consultants as it deems necessary from time to time. (Amended during 1996 codification.)

#### Section C9-3. Authority to employ personnel.

The town may employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or state law and to operate the town government.

#### Section C9-4. Compensation of personnel.

The compensation of all officers and employees of the town shall be set by the budget or by other ordinance passed by the Mayor and Board of Commissioners.

#### Section C9-5. Women officers and employees.

The use of any masculine pronoun in this Charter with respect to any town officer or employee shall not be construed to bar a woman from such office or employment.

#### Section C9-6. Oath of office.

A. *Oath required.* Before entering upon the duties of their offices, the Mayor and other members of the Board of Commissioners, and all other persons required to be sworn to office shall take and subscribe to the following oath or affirmation: ("I, \_\_\_\_\_, do swear (or affirm, as the case may be), that I will support the Constitution of the United State; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and

faithfully, without partiality or prejudice, execute the office of \_\_\_\_\_, according to the Constitution and laws of this state.”)

B. *Before whom taken and subscribed.* The Mayor shall take and subscribe to this oath or affirmation before the Clerk of the Circuit Court of Cecil County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing to the oath shall do so before the Mayor. (Amended during 1996 codification.)

Section C9–7. Official bonds.

All officers or employees of the town as the Board of Commissioners or this Charter may require shall give bond in such amount and with such surety as may be required by the Board and with such conditions as the Board may prescribe. The premium on such bonds shall be paid by the town. (Amended during 1996 codification.)

**ARTICLE X**  
**Public Ways and Sidewalks**  
(See Note (3))

Section C10–1. Definitions.

The term “public ways” as used in this Charter includes all streets, avenues, roads, highways, public thoroughfares, lanes and alleys.

Section C10–2. Control of public ways.

The town has control of all public ways in the town except such as may be under the jurisdiction of the State Highway Administration or other authority. Subject to the laws of the state and this Charter, the town may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the town. (Amended during 1996 codification.)

**ARTICLE XI**  
**Waters and Sewers**  
(See Note (4))

Section C11–1. Powers of town.

The town may:

A. Own, by purchase or otherwise, lease, rent, or in any other manner lawfully acquire, and to sell, rent, lease or assign to any other person, firm, corporation, county, or municipality, pipelines and mains for the transportation, delivery, and sale of water; to construct, build, maintain, and operate the same; to buy and sell water and water rights from and to

individuals, firms, corporations, counties or municipalities; to own, operate, maintain, and control such meters and other appliances as may be necessary in conducting its business; and to buy, own, sell, lease, or rent all such property, real, personal, or mixed, if any be necessary in the conduct of its business aforesaid, and not contrary to law.

B. Own, by purchase or otherwise, lease, rent, or in any other manner lawfully acquire, and to sell, rent, lease or assign to any other person, firm, corporation, county, or municipality, pipelines and sanitary sewerage systems and treatment plants within or outside the Town; to construct, build, maintain, and operate the same; to own, operate, maintain, and control such meters and other appliances that may be necessary to conduct its business; and to buy, own, sell, lease, or rent all such property, real, personal, or mixed, if any be necessary in the conduct of its business aforesaid, and not contrary to law. (Amended during 1996 codification.)

## **ARTICLE XII**

### **Special Assessments**

#### Section C12-1. Power to levy special assessment.

A. The town may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the installation or construction of water mains, sanitary sewer mains, stormwater sewers, curbs and gutters and by the construction and paving of public ways and sidewalks or parts thereof, and it may provide for the payment of all or any part of the above projects out of the proceeds of the special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes or other evidences of indebtedness issued in anticipation of the collection of special assessment, a reasonable charge for the services of the administrative staff of the town and any other item of cost which may reasonably be attributed to the project.

B. The Board of Commissioners shall have the power to provide for the payment of the damage and expenses of any such project by levying and assessing the same generally upon the whole of the assessable property of the town or specifically (not beyond one-half (1/2) of such damage or expense) upon the assessable property of person benefited thereby; and in the event that the same shall be so assessed upon the property of said person, the amount so assessed shall be collected by the Finance Department, and the Board of Commissioners shall have power to pass all necessary ordinances to that end. The Board of Commissioners shall have the power to determine when pavements or sidewalks shall be relaid, rebuilt or reconstructed, and shall have the power to determine when it shall be necessary to relay, rebuild or reconstruct sidewalks or pavements in order that the pavements or sidewalks in the town shall be of a uniform construction; provided that one-half (1/2) of the cost of relaying, rebuilding or reconstructing said pavements or sidewalks, or any other expense in connection therewith, shall be a lien upon the abutting land, as in the nature of a judgment at law, taking precedence over any other lien against the said land, whether the same be created by mortgage or otherwise, and shall be collectible either by execution or by a proceeding in equity as now provided at law or in equity for the collection of liens against real estate. Nothing herein contained shall operate to prevent



the Board of Commissioners from recovering for pavements or sidewalks heretofore constructed under the authority of any prior Charter or law, and all rights to recover against landowners for pavements heretofore relaid, rebuilt or reconstructed are hereby saved. (Amended during 1996 codification.)

## **ARTICLE XIII**

### **Town Property**

#### Section C13-1. Acquisition, possession and disposal.

The town may acquire real, personal or mixed property and easements, appurtenances, hereditaments and other interests in property within or without the limits of the town for any public purpose, by option, purchase, gift, bequest, devise, lease, condemnation or otherwise, and may sell, lease or otherwise dispose of any property or interest in property belonging to the town. All municipal property, funds, franchises and interests of every kind belonging to or in the possession of the town (by whatever prior name known) at the time this Charter becomes effective are vested in the town, subject to the terms and conditions hereof. The Mayor and Commissioners shall adopt a resolution authorizing the disposal of any town property which has been declared surplus. (Amended during 1996 codification.)

#### Section C13-2. Town buildings.

The town may acquire, obtain by lease or rent, purchase, construct, operate and maintain all buildings and structures it deems necessary for the operation of the town government.

#### Section C13-3. Condemnation.

The town may condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within or without the corporate limits of the town, for any public purpose. Any activity, project or improvement authorized by the provisions of this Charter or any state law applicable to the town is a public purpose. the [The] manner of procedure in case of any condemnation proceeding shall be that as established by present or subsequently passed laws.

#### Section C13-4. Protection of town property.

The town may do whatever may be necessary to protect town property and to keep all town property in good condition.

## ARTICLE XIV

### Penal Provisions

#### Section C14–1. Offenses.

A. *Misdemeanors.* Every act or omission which by ordinance is made a misdemeanor under the authority of this Charter, unless otherwise provided, upon conviction before any Judge of the District Court or Circuit Court of Cecil County, shall [be] subject to a fine not to exceed one thousand dollars (\$1,000.) or imprisonment not to exceed six (6) months, or both such fine and imprisonment. Each day such violation continues shall constitute a separate offense.

B. *Infractions.* Every act or omission which by ordinance is made an infraction shall be subject to a fine not to exceed one hundred dollars (\$100.). The fine shall be paid by the offender to the town within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed two hundred dollars (\$200.) for each repeated offense. Each day a violation continues shall, unless otherwise provided, constitute a separate or repeat offense. (Amended during 1996 codification; Ord. 2–81 (part).)

## ARTICLE XV

### Saving Provisions

#### Section C15–1. Prior rights and obligations.

All right, title and interest held by the town or any other person or corporation at the time this Charter is adopted, in and to any lien acquired under any prior Charter of the town, are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair or release any contract, obligation, duty, liability or penalty whatever existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this Charter, shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Charter had not become effective.

#### Section C15–2. Effect of Charter on existing ordinances.

A. *Ordinances, etc., not in conflict with Charter remain in effect.* All ordinances, resolutions, rules and regulations in effect in the town at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed according to the provisions of this Charter.

B. *Ordinances, etc., in conflict with Charter repealed.* All ordinances, resolutions, rules and regulations in effect in the town at the time this Charter becomes effective which are in conflict with the provisions of this Charter are repealed to the extent of such conflict.

Section C15–3. Separability.

If any section or part of any section of this Charter is held invalid by a court of competent jurisdiction, this holding shall not affect the remainder of this Charter or the context in which such section or part of section so held invalid appears, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.



## **CHARTER APPENDIX**

### **Boundary and Annexation Descriptions**

#### Section CA-1. General annexation descriptions.

A. This Charter Appendix contains general descriptions of various annexations which have been added from time to time by the Board of Commissioners.

(1) Normira. Approximately two hundred (200) acres of land on the north side of Route 40 bounded by Delaware Avenue and White Hall Road. June 12, 1967. Special provision. Section 3 of such annexation reads as follows: "And be it further resolved that any of the citizens living within the area annexed, who shall be a citizen of the United States, at least twenty-five years of age and a bona fide resident of the area annexed, and shall each in his or her own right, or in the right of his wife, or her husband, as the case may be, own real estate in the area annexed, assessed by the county at not less than six hundred dollars, shall be eligible to run for the Office of President and Commissioner; and all citizens of the United States above twenty-one years of age who are bona fide residents of the annexed area and who shall be duly registered in accordance with the requirements of the Charter of the Town of Elkton, shall be entitled to vote for said President and Commissioners; this provision shall only apply to citizens of the area annexed at the date this resolution legally becomes effective. From and after that date any citizens moving into the annexed area and/or buying property in said area, shall be subject to the charter provisions of the Town of Elkton relating to officers and voters and their qualifications."

(2) Martin Dwyer property. Approximately five (5) acres of land on the west side of Route 280 adjoining Sheffield Park. December 20, 1968.

(3) Clugston and VanSant property. Approximately four hundred forty (440) acres of land on the south side of Route 40 adjoining Normira. November 10, 1969. Special provision. Section 3 of such annexation reads as follows: "And be it further resolved that no property being annexed herein into the municipal limits of the Town of Elkton shall be subject to levy for town taxes until municipal water and/or sewer lines are available to the property owners, at which time taxes shall be levied."

(4) Approximately one hundred sixty (160) acres of land on South Bridge Street from Big Elk Creek to Route 40. May 11, 1970. Special provision. Section 3 of such annexation reads as follows: "And be it further resolved that no property being annexed herein into the municipal limits of the Town of Elkton shall be subject to levy for town taxes until municipal water and/or sewer lines are available to the property owners, at which time taxes shall be levied."

(5) Approximately one hundred fifty-two (152) acres of land on the east side of Route 279 from Big Elk Creek to Muddy Lane. August 7, 1972. Special provision. Section 3 of such annexation reads as follows: "And be it further resolved that no property being annexed herein into the municipal limits of the Town of Elkton shall be subject to assessment for town taxes, or entitled to other town services, unless or until water or sewerage services shall be made

available, for said property, at which time taxes shall be levied, and all town services made available, and said property shall be annexed subject to existing zoning.”

(6) Approximately four hundred fifty-two (452) acres of land on the north and south sides of White Hall Road adjacent to Big Elk Creek. May 31, 1973. Special provision. Section 3 of such annexation reads as follows: “And be it further resolved that no property being annexed herein into the municipal limits of the Town of Elkton shall be subject to levy for town taxes until municipal water and/or sewer lines are available to the property owners, at which time taxes shall be levied.”

(7) Approximately four hundred sixty-two (462) acres of land on the east side of Delaware Avenue, the north side of Route 40 and the west side of Delaney Road. November 19, 1973. Special provision. Section 3 of such annexation reads as follows: “And be it further resolved that no property being annexed herein into the municipal limits of the Town of Elkton shall be subject to levy for town taxes until municipal water and/or sewer lines are either used by the property owners, at which time taxes shall be levied; or until any part of the land herein annexed is subdivided and a subdivision plat thereof is approved by the appropriate agencies and departments of the Town of Elkton; at which time taxes shall be levied upon said approved subdivided part of the land herein annexed; provided however the mayor and commissioners shall not reserve or make any commitment for water and/or sewer services until the appropriate town agencies have approved the developers’ or property owner’s subdivision plat.”

(8) Approximately two hundred thirty-nine (239) acres of land on the south side of Route 40 adjacent to White Hall Road and Route 213. November 19, 1973. Special provision. Section 3 of such annexation reads as follows: “And be it further resolved that, no property being annexed herein into the municipal limits of the Town of Elkton shall be subject to levy for town taxes until municipal water and/or sewer lines are either used by the property owners, at which time taxes shall be levied; or until any part of the land herein annexed is subdivided and a subdivision plat thereof is approved by the appropriate agencies and departments of the Town of Elkton; at which time taxes shall be levied upon said approved subdivided part of the land herein annexed; provided, however, the mayor and commissioners shall not reserve or make any commitment for water and/or sewer services until the appropriate town agencies have approved the developers’ or property owner’s subdivision plat. Said property shall be annexed subject to an existing planned unit development granted by the Cecil County Board of Zoning Appeals, dated 12-22-72 and subject to all terms of said grant and subject to all present terms and provisions of the Cecil County Planned Unit Development Ordinance now and in the future, except that where said ordinance indicates the planning director will approve future amendment and in this instance, the town planning commission is to be substituted.”

(9) Approximately seventy-two (72) acres of land on the north side of Old Field Point Road adjacent to Little Elk Creek. November 19, 1973. Special provision. Section 3 of such annexation reads as follows: “And be it further resolved that said property being annexed herein into the municipal limits of the Town of Elkton shall be subject to assessment for town taxes and entitled to town services immediately upon annexation, and that said property shall be annexed subject to existing zoning.”

(10) Personal property. Approximately ninety-nine (99) acres of land on the north side of Route 281. April 8, 1974. Special provision. Section 3 of such annexation reads as follows: “And be it further resolved that no property being annexed herein into the municipal limits of the Town of Elkton shall be subject to assessments for town taxes unless or until water and/or sewerage services shall be utilized for said property, at which time taxes shall be levied and all town services made available, and said property shall be annexed subject to existing zoning.”

(11) Pierce Builders property. Approximately eighteen (18) acres of land, section 4–A Thomson Estates subdivision. April 29, 1974. Special provision. Section 3 of such annexation reads as follows: “And be it further resolved that no property being annexed herein into the municipal limits of the Town of Elkton shall be subject to levy for town taxes until municipal water and/or sewer lines are available to the property owners, at which time taxes shall be levied.”

(12) Approximately six (6) acres of land on the south side of Route 40 between Joseph Gallagher Street and Norman Allen Street. July 22, 1974. Special provision. Section 3 of such annexation reads as follows: “And be it further resolved that said property being annexed herein to the municipal limits of the Town of Elkton shall be subject to assessments for town taxes and entitled to town services immediately upon annexation, and that said property shall be annexed subject to existing zoning.”

(13) Approximately thirty (30) acres of land, Trinco–Industrial Park – Coca Cola Bottling Co. July 22, 1974. Special provision. Section 3 of such annexation reads as follows: “And be it further resolved that the said property being annexed herein into the municipal limits of the Town of Elkton shall be subject to levy for town taxes as of July 1, 1975, and entitled to town services immediately upon annexation, except as herein provided. In the event revenue bond financing is established on any part of the real estate herein annexed or upon any improvements constructed thereon for manufacturing purposes, that said real estate and improvements, manufacturing inventory, equipment, machinery, tools, implements, manufacturing apparatus or engines used in manufacturing shall be exempt from town taxes; provided, however, that the leasehold owners shall annually pay to the town a sum equal to the town real estate taxes on the value of said real estate and improvements based upon the evaluation established by the State Department of Assessments and Taxation on said real estate and improvements.

“As a condition of this annexation, it is hereby resolved by the town, and agreed to by the property owners in the area to be annexed, that prior to acceptance for dedication of the proposed fifty foot wide right-of-way as shown within the perimeter outline of the property to be annexed that said road shall be built and constructed in accordance with town specifications at the expense of the property owners. And that upon completion and construction as aforesaid, the town will accept said proposed fifty foot right-of-way into the town road system.”

“As a further condition of annexation, it is hereby resolved by the town, and agreed to by Trinco, Inc., for itself, its successors and assigns, that Trinco, Inc., and/or its successors and assigns, shall at its or their own cost construct and install the necessary sewer lines to connect

into the existing sewer lines of the town where located on the Blue Ball Road, in accordance with town specifications, and upon completion of construction of said sewer lines to dedicate the same to the town. The town agrees to issue all necessary permits and rights-of-way required to connect into and install said sewer lines.”

(14) Mullan property. Approximately three hundred twenty (320) acres of land on the west side of Muddy Lane and the north side of route 281 bounding Penn Central Railroad. August 19, 1974. Special provision. Section 3 of such annexation reads as follows: “And be it further resolved that the property being annexed herein into the municipal limits of the Town of Elkton shall be subject to levy for town taxes when either municipal water and/or sewer lines are available. Tap on fees for water and sewer connections shall be paid in accordance with the schedule of charges adopted by the Town of Elkton on October 24, 1973.”

(15) Lands of the Humble Oil Company, approximately two (2) acres of land. Section 3 of such annexation reads as follows: “And be it further resolved that the property being annexed herein into the municipal limits of the Town of Elkton shall be subject to levy for town taxes when either municipal water and/or sewer lines are available; tap on fees for water and sewer connections shall be paid in accordance with the schedule of charges set forth in a public works agreement to be entered into between the town and the property owners. Charges for water and sewer facilities shall be paid in accordance with the town charges for water and sewer in effect as of the time water and sewer services become available, and as amended from time to time. All laterals providing water and sewer services shall be constructed in accordance with town specification at owners’ expense.

“As a condition of annexation, it is hereby resolved by the town, and agreed to by the property owners in the area to be annexed, that if any water or sewer lines (other than laterals providing service to the property) are constructed in the area to be annexed, that said lines shall be constructed according to town specification at the sole expense of owners and dedicated to the town.” (Adopted 11/13/75.)

(16) Gilpin Heights area, approximately nine (9) acres. Section 3 of such annexation reads as follows: “And be it further resolved that the property being annexed herein into the municipal limits of the Town of Elkton shall be subject to assessment for town taxes, except for such tax exemption as is afforded by law to the property owned by the Board of Education of Cecil County, and entitled to all town services, and said property shall be annexed subject to existing R-1 residential zoning.” (Adopted 1/7/76.)

(17) Land located between Newark Avenue and Gilpin Avenue in the Third Election District of Cecil County, approximately two (2) acres. Section 3 of such annexation reads as follows: “And be it further resolved that the property being annexed herein into the municipal limits of the Town of Elkton shall be subject to levy for town taxes when water and/or sewer lines are connected. Tap on fees for water and sewer connections shall be paid in accordance with the schedule of charges adopted by the Town of Elkton on October 24, 1973.” (Adopted 6/7/78.)



(18) Area on the southerly right-of-way line of ramp E-1 of the John F. Kennedy Memorial Highway. Section 3 of such annexation reads as follows: “And be it further resolved that the property being annexed herein into the municipal limits of the Town of Elkton shall be subject to levy for town taxes when water and/or sewer lines are connected. Telum, Inc. shall pay the cost of extending water lines to service the property to be annexed and shall pay the cost of energizing the water lines.” (Adopted 11/8/78.)

(19) An area near Delancey Road and at the corner of the present town limits of Elkton, approximately eighty-one (81) acres. Section 3 of such annexation reads as follows: “And be it further resolved that the property being annexed herein into the municipal limits of the Town of Elkton shall be subject to levy for town taxes when water and/or sewer lines are connected.” (Adopted 7/11/79.)

(20) Area on the northerly side of Newark Avenue and the westerly side of Walnut Lane, approximately one (1) acre. Special provision. Section 3 of such annexation reads as follows: “And be it further resolved that all property being annexed herein into the municipal limits of the Town of Elkton shall be subject to assessment for town taxes, and entitled to all town services, and said property shall be annexed subject to existing R-1 residential zoning.” (Adopted 1/6/76.)

(21) Area of land on the southwesterly side of Maryland Route 7, Delaware Avenue, a corner for these lands and lands now or formerly of Robert E. Olewine, said point of beginning being on the northeasterly side of Maryland Route 7, forming the corner between lands of Anchor Pontiac – Buick, Inc., and Thompson Estate, approximately one (1) acre. Section 3 of such annexation reads as follows: “And be it further resolved that the area to be annexed is to be changed from County C-1 to Town C-1; and further, that said property shall be placed on the tax rolls for the Town of Elkton when this Annexation Resolution becomes effective.” (Adopted 9/5/79.)

(22) Parcel No. 1. A tract of land situate on the westerly right-of-way line of Maryland Route 213 and the southerly right-of-way line of United States Route 40, the land containing approximately 23.3 acres, more or less. The said tract of land is located in the Third Election District of Cecil County. Section 3 of such annexation reads as follows: “And be it further resolved that the property being annexed herein into the municipal limits of the Town of Elkton shall be subject to levy for town taxes when water and/or sewer lines are connected. Tap-on fees for water and sewer connections shall be paid in accordance with the schedule of charges adopted by the Town of Elkton in effect at the time of connection.” Section 4 of such annexation reads as follows: “And be it further resolved that the area to be annexed is to be changed from County C-2 and R-2 to Town C-2 and R-2.” (Adopted 11/8/78.)

(23) Beginning for the same at a point at the intersection of the northernmost side of Maryland Route 40, with the westernmost side of Washington Avenue, as shown on a plat of Normira Subdivision recorded in Plat Book S.R.A. No. 1A, folio 176. Said beginning point being also on the existing boundary line of the Town of Elkton. Section 3 of such annexation reads as follows: [“] And be it further resolved that the area to be annexed is to be changed from County R-1 to Town R-1 and from County C-2 to Town C-2; and further, that

said property shall be placed on the tax rolls for the Town of Elkton when the water and/or sewer is connected to the said property.[”] (Res. 13–81.)

(24) The area of land being located on the northwesternmost side of Maryland Route No. 279 just south of exit ramp E–1 of the John F. Kennedy Memorial Highway and is more particularly described in accordance with a survey by Vandemark and Lynch, Inc., Consulting Engineers and Surveyors. Section 2 of such annexation reads as follows: “And be it further resolved that the persons and/or property included within the aforementioned boundaries and taxable limits of the area hereby annexed to the Town of Elkton shall be subject to all the provisions of the Charter, laws and ordinances heretofore enacted or those subsequently enacted by the Town of Elkton and in addition to all the public local laws or public general laws heretofore or subsequently passed by the Maryland Legislature on behalf of the Town of Elkton.” Section 3 of such annexation reads as follows: “And be it further resolved that the area to be annexed is to be changed from County C–1 to Town C–2, and, further, that said property shall be placed on the tax rolls for the Town of Elkton when this Annexation Resolution becomes effective.” (Res. 14–82.)

(25) Beginning for the same at a stake on the northeasterly right-of-way line of Maryland Route No. 7 at the westerly corner of land of Ruby M. Kline as described in a deed which is recorded among the Land Records of Cecil County in Liber W.A.S. No. 133, Folio 256; and running then from said place of beginning by and with the northeasterly right-of-way of Maryland Route No. 7, north 46° 30' west 100 feet to a stake; thence north 29° east 200 feet to a stake; thence south 46° 30' east 100 feet to a stake at the northerly corner of the aforementioned Ruby M. Kline land; thence by and with said land, south 29° west 200 feet to the place of beginning; containing 20,000 square feet of land, more or less. Section 2 of such annexation reads as follows: “And be it further resolved that the persons and property included within the aforementioned boundaries and taxable limits of the area hereby annexed to the Town of Elkton shall be subject to all the provisions of the Charter, laws and ordinances heretofore enacted or those subsequently enacted by the Town of Elkton, and in addition, all the public local laws or public general laws heretofore or subsequently passed by the Maryland Legislature on behalf of the Town of Elkton.” Section 3 of such annexation reads as follows: “And be it further resolved that the area to be annexed is to be changed from County R–2 to Town R–2; and further, that said property shall be placed on the tax rolls for the Town of Elkton when the water and/or sewer is connected to the said property.” (Res. 15–82.)

(26) The area of land being located in the Third Election District of Cecil County, State of Maryland, located on the northerly side of Maryland Route 7, and is more particularly described in accordance with a survey by APR Associates, Land Surveyors. Section 2 of such annexation reads as follows: “And be it further resolved that the persons and/or property included within the aforementioned boundaries and taxable limits of the area hereby annexed to the Town of Elkton shall be subject to all the provisions of the Charter, laws and ordinances heretofore enacted or those subsequently enacted by the Town of Elkton and in addition to all the public local laws or public general laws heretofore or subsequently passed by the Maryland Legislature on behalf of the Town of Elkton.” Section 3 of such annexation reads as follows: “And be it further resolved that the area to be annexed is to be changed from County

R-2 to Town R-2, and further, that said property shall be placed on the tax rolls for the Town of Elkton when this Annexation Resolution becomes effective.” (Res. 16-82.)

(27) The area of land known as “Boyd’s Motel”. Section 2 of such annexation reads as follows: “And be it further resolved that the persons and/or property included within the aforementioned boundaries and taxable limits of the area hereby annexed to the Town of Elkton shall be subject to all the provisions of the Charter, laws and ordinances heretofore enacted or those subsequently enacted by the Town of Elkton, and in addition, all the public local laws or public general laws heretofore or subsequently passed by the Maryland Legislature on behalf of the Town of Elkton.” Section 3 of such annexation reads as follows: “And be it further resolved that the area to be annexed is to be changed from County R-1 to Town R-1 and from County C-2 to Town C-2, and further, that said property shall be placed on the tax rolls for the Town of Elkton when the water and/or sewer is connected to the said property.” (Res. 20-83.)

(28) The area of land known as “Overnite Transport Co.,” containing 34.5181 acres, plus or minus. Section 2 of such annexation reads as follows: “And be it further resolved that the persons and/or property included within the aforementioned boundaries and taxable limits of the area hereby annexed to the Town of Elkton shall be subject to all the provisions of the Charter, laws and ordinances heretofore enacted or those subsequently enacted by the Town of Elkton, and in addition, all the public local laws or public general laws heretofore or subsequently passed by the Maryland Legislature on behalf of the Town of Elkton.” Section 3 of such annexation reads as follows: “And be it further resolved that the area to be annexed is to be changed from County M-1 to Town M-1 and from County C-2 to Town C-2; and further, that said property shall be placed on the tax rolls for the Town of Elkton when the water and sewer is connected to the said property.” (Res. 21-83.)

(29) The area of land beginning at a point on the westernmost side of Whitehall Road at the intersection of the division line of the lands now or formerly of Howard Buckworth, containing 1,042 acres, more or less, the costs of annexation to be paid by the owners of the property to be annexed. Section 4 provided that the zoning be changed from Cecil County C-2 to Town of Elkton C-2. (Res. 27-84.)

(30) The area of land beginning at a point on the northerly boundary line of the Town of Elkton, said point of beginning being located on the westerly right-of-way line (40 feet from the center line of pavement) of Songerly Road, containing 208.65 acres, more or less. Section 3 of such annexation reads as follows: “All property being annexed herein into the municipal limits of the Town of Elkton shall be excused from assessment for town taxes except for the property of Vicon Corporation and all exempt property shall be subject to assessment at such time that there is a hookup into town services, and all said property shall be annexed with a zoning classification of M-1.” (Res. 28-84.)

(31) Two areas of land, Parcel No. 1 beginning at a point on a northerly boundary line of the Town of Elkton, said point of beginning being located on the westerly right-of-way line (40 feet from center line of pavement) of Singerly Road, containing 29.596 acres, more or less; and Parcel No. 2 beginning at a concrete monument found set in the ground on an existing boundary line of the Town of Elkton; said point of beginning being a northeasterly

corner of the Cecil County Board of Education land (Elkton Senior High School), said point of beginning also being a westerly corner of the Singerly Development Co. and Margaret M. Wilson lands, containing 59.902 acres, more or less. Section 3 of such annexation reads as follows: "All property being annexed herein into the municipal limits of the Town of Elkton shall be excused from assessment for town taxes except for the property of William J. Pastuszek and James C. McKinney and Judith H. McKinney in Parcel No. 2 and all property now using water or sewerage utilities. All exempt property shall be subject to assessment at such time that water or sewerage utilities are available at the site. All property shall be annexed with existing zoning classification except for Parcel No. 2, which shall have classification as Residential Office, R-O, in an area 400 feet easterly from Maryland Route 213 and the remainder of Parcel No. 2 having a classification of Residential R-3." (Res. 30-85.)

(32) The area of land beginning at a pipe found on the southeasterly intersection of Pulaski Highway (U.S. Route 40), 120 feet wide, and U.S. Route 213, 50 feet wide, as shown on State Road Commission Plat No. 3041, thence binding on the southwesterly side of Pulaski Highway, containing 1.2659 acres, more or less. Section 4 of said annexation provided that the zoning of the area to be annexed shall be changed from Cecil County C-2 to Town of Elkton C-2. (Res. 31-85.)

(33) The area of land beginning at an iron pin with cap set on the northernmost side of Belle Hill Road, a thirty-three-foot-wide right-of-way at the division line of the lands of Harry R. Dominick, containing 1.663 acres, more or less. Section 4 of said annexation provided that the zoning of the area to be annexed shall be changed from Cecil County R-1 to Town of Elkton C-2. (Res. 33-85.)

(34) The area of land beginning at a point on the northeasterly side of State Route 7, as the same runs from the Town of Elkton to a junction with U.S. Route 40, which said point is 215' north 67° west from the point of junction of the lands now or formerly of Stanley Roas and wife with the lands now or formerly of the estate of James Keagan. Section 3 of said annexation provided that said property shall be placed on the tax rolls for the Town of Elkton when the water and/or sewer is connected to said property. (Res. 35-85.)

(35) Two areas of land, Parcel No. 1 beginning at an iron pipe found on the southernmost side of Belle Hill Road, a thirty-three-foot-wide right-of-way at the division line of the lands of Blue Beacon International, Inc., containing 2,492 acres, more or less; and Parcel No. 2 beginning at a point on the southernmost side of Belle Hill Road and at the intersection of the division line between the lands of Thomas E. Atwell and the lands of Gerald P. Purnell. Section 3 of said annexation provided that the area to be annexed is to be changed from County C-2 to Town C-2 and, further, that said property shall be placed on the tax rolls for the Town of Elkton when the water and sewer are connected to the said property. (Res. 36-85.)

(36) The area of land beginning at an iron pin located on the northernmost side of Belle Hill Road at the intersection of the lands of Blue Beacon International, Inc.; thence binding on the northernmost side of Belle Hill Road 343.94 feet to a point; thence running through the lands of Harry R. Dominick to a point on the southernmost outline of the Truckland Partnership lands; thence binding on the westernmost outline of the Blue Beacon International,

Inc., lands to the place of beginning. Section 3 of said annexation provided that the area to be annexed is to be changed from County R-1 to Town C-2 and, further, that said property shall be placed on the tax rolls for the Town of Elkton when the water and sewer are connected to said property. (Res. 1-86.)

(37) The area of land beginning at a point on the southeasterly side of Belle Hill Road at the lands now or formerly of Thomas A. and Orpha S. Atwell, thence running to a point on the division line of lands now or formerly of Gerald P. and Doris M. Purnell: thence crossing the right-of-way of Maryland Route 279 to the division line of lands of First Gladwyne Corporation; thence along the division line of lands of Elkton Gas Service to a point on the southeasterly side of Belle Hill Road; thence running to the point of beginning. Section 4 of said annexation provided that the area to be annexed shall be changed from Cecil County M-1 to Town of Elkton C-2. (Res. 2-86.)

(38) The area of land beginning at a marker in the center of Chestnut Hill Road; thence south to a concrete monument at the point where said lands meet the State Roads Commission Easement; thence north to another concrete monument; thence to a point on lands heretofore made part of the Town of Elkton; thence along said lands to the point of beginning. Section 4 of said annexation provided that the area to be annexed shall be changed from Cecil County R-1 to Town of Elkton C-2. (Res. 3-86.)

(39) The area of land beginning at an iron pipe on the north side of Route No. 7 leading from Elkton to Route 40 by way of Creswell's Hill; thence northwest 100 feet to an iron pipe on the east side of a fifty-foot street; thence along said street to another iron pipe; thence to the northwest corner of Metz; thence along the west line of Metz to the point of beginning. Section 4 of this annexation provided that the area to be annexed shall be changed from County R-1 to Town R-1 and that subdivision approval will be granted without the need for construction of curb, gutter or sidewalks servicing any approved lots. (Res. 4-86.)

(40) The area of land beginning at a bolt in the easterly entrance of the Swiss Inn; thence along the southerly right-of-way line of U.S. Route 40 273.19 feet to a pipe; thence along the property line on land now or formerly of Louise C. Horn; thence along property now or formerly of First State Builders; thence along property now or formerly of Leonard Ramsaver to the place of beginning. Section 3 of this annexation provided that the area to be annexed shall be changed from County C-2 to Town C-2 and that said property shall be placed on the tax rolls for the Town of Elkton when the water and/or sewer is connected to said property. (Res. 7-86.)

(41) The area of land beginning at the intersection of the Delaware/Maryland state line with the northerly right-of-way line of U.S. Route 40; thence along said state line 3,386 feet to a point on the northerly boundary of lands now or formerly of Pasquale Lagano and Mary Lagano; thence along the boundary of said property and the property of Cecil Enterprises; thence along the property of Cecil Enterprises to a corner of the lands now or formerly of V. LaMonica; thence along said property and lands now or formerly of Louise C. Horn; thence along said property to U.S. Route 40 and the present corporate boundary of the Town of Elkton; thence along U.S. Route 40 to the place of beginning. Said annexation further provided that the area to be annexed is to be changed from County R-2 to Town R-2, Town C-2 and Town M-1,

and that subdivision approval will be granted without the need for construction curb, gutter or servicing any approved sections of the M-1 area, and after construction to approved standards, the Town of Elkton will accept dedication of streets in the proposed development. (Res. 8-87.)

(42) Two areas of land, Parcel No. 1 beginning at a point on the southernmost side of Belle Hill Road at the division line of herein described lands and the westernmost lands of McDonald's Corporation; thence south  $20^{\circ} 53' 17''$  east 139.91 feet to a metal fencepost; thence south  $20^{\circ} 53' 22''$  west 148.90 feet to a metal fencepost on the easternmost outline of Parcel No. 2 of the Radhika Corporation subdivision; thence binding on the easternmost outline of the Radhika Corporation subdivision north  $21^{\circ} 10' 54''$  west 138.27 feet to a point on the southernmost side of Belle Hill Road; thence binding on the southernmost side of Belle Hill Road north  $65^{\circ} 16' 39''$  east 149.71 feet to the place of beginning. Parcel No. 2 beginning at the same point on the southernmost side of Belle Hill Road at the intersection of the division line of the lands of McDonald's Corporation and those of Thomas E. Atwell; thence binding on the southernmost side of Belle Hill Road south  $65^{\circ} 16' 39''$  west 149.71 feet to the northeasternmost corner of the lands of the Radhika Corporation; thence crossing over Belle Hill Road north  $21^{\circ} 10' 54''$  west 33.06 feet to the northernmost side of Belle Hill Road; thence along that side south  $20^{\circ} 53' 17''$  east 33.07 feet to the place of beginning. Section 3 provides that "the costs of this annexation shall be paid by the owner." Section 4 provides that the zoning shall be changed from Cecil County C-1 to Town of Elkton C-1. (Res. 9-87.)

(43) Two areas of the land, Parcel No. 1 being on a plat entitled "Property of Nora May Lolas, widow - Chestnut Hill Road and Muddy Lane," dated February 18, 1974, by Vandemark & Lynch, Inc. Parcel No. 2, all lands southeasterly of the Pennsylvania Railroad, northwesterly of the lands of Demosthenes Lolas, as described in a deed recorded in Liber W.E.B. No. 25/151, and northeasterly of the lands of Conowingo Power Company right-of-way running easterly from Muddy Lane to the right-of-way line of the Pennsylvania Railroad. Section 3 provided that Parcel No. 1 is to be changed from County R-2 zoning to Town R-3 and that said parcels shall be placed on the tax rolls when the water and sewer is connected to said property. (Res. 11-87.)

(44) Four areas of land, Parcel No. 1, beginning on the east side of an 18-foot lane leading to the lands of Fred Iannini, at an iron post being south  $14^{\circ} 47'$  east 1,131 feet from the south right-of-way line of U.S. Route No. 40; thence north  $77^{\circ}$  east 200 feet; thence north  $14^{\circ} 47'$  west 100 feet; thence north  $77^{\circ} 3'$  east 398.26 feet; thence north  $13^{\circ} 56'$  west 40 feet to the southwest corner of lands of the grantor; thence north  $13^{\circ} 56'$  west 26 feet to the southwest corner of the lands owned by Ramsauer; thence north  $77^{\circ}$  east 210 feet to a corner of lands of A. Victor Davis; thence south  $13^{\circ} 56'$  east 986 feet to the lands of Fred Iannini; thence south  $76^{\circ} 42'$  west 948 feet to the place of beginning. Parcel No. 2, beginning at the end of the third course and distance mentioned above and continuing in the same direction north  $14^{\circ} 47'$  west 200 feet to south right-of-way line of U.S. Route 40; thence north  $77^{\circ}$  east 400 feet to the northwest corner of lands of grantor; thence south  $13^{\circ} 56'$  east 200 feet; thence south  $77^{\circ} 3'$  west 398.26 feet to the place of beginning. Parcel No. 3, beginning at a point located south  $14^{\circ} 47'$  east 300 feet from a point located opposite to and 75 feet from Station 144 + 58 in the center line of the southernmost right-of-way of U.S. Route No. 40, running thence from said beginning with other land of Harrison Roberts and Marie Corrina Roberts south  $14^{\circ} 47'$  east 832 feet to the northernmost line

of lands of Fred Iannini; thence south 77° 15' west 200 feet to the east side of the right-of-way; thence north 14° 47' west 831 feet to the southwest corner of another parcel of land of Fred Iannini; thence north 77° east 20 feet to the point of beginning. Parcel No. 4, beginning on the southerly right-of-way line of U.S. Route No. 40 at the northeast corner of Part II of the tract conveyed by Harrison Roberts et ux. et al. to Louise C. Horn by their deed dated June 4, 1954; and recorded as Liber R.R.C. No. 109, Folio 24; thence north 77° east 108.93 feet along southern side of U.S. Route No. 40; thence south 13° 56' east 170 feet; thence south 77° west 108.93 feet to the northeast boundary of Part II of the land of Louise C. Horn hereinabove referred to; and thence north 13° 56' west 170 feet to the point of beginning. Section 3 provided that the area be changed from County C-2 and County R-2 to Town C-3, and that said property shall be placed on the tax rolls for the Town of Elkton when the water and sewer is connected to the property. (Res. 12-87.)

(45) The area of land beginning at a concrete marker set in the ground on the east edge of the right-of-way of the Dickey Biddle Road, said point marking a corner of the lands of the Salvatorian Missions as recorded in the Land Records of Cecil County in Liber H.W.L. No. 16, Folio 348, then running with the lands of Crowgey along a line whose bearing is south 75° 45' east for a distance of 980 feet to a concrete marker, then yet running with the lands of Crowgey along a line whose bearing is south 45° east for a distance of 140 feet to a concrete marker, said marker being a corner of the lands of the Salvatorian Mission and marking the line of Crowgey, then turning and running with the lands of said Mission along a line whose bearing is north 14° 15' east for a distance of 685.3 feet to a concrete marker, then turning and running yet with the lands of said Mission along a line whose bearing is north 75° 45' west for a distance of 1,060 feet to a concrete marker set on the east edge of the right-of-way of the Dickey Biddle Road, said marker being a corner of the lands of said Mission, then turning and running with the east edge of the right-of-way along a line whose bearing is south 17° 45' west for a distance of 600 feet to point of beginning. Said plot containing 15 acres of land, more or less. Section 3 of this annexation provided that the area to be annexed shall be changed from County A-R to Town R-2 and that said property shall be placed on the tax rolls for the Town of Elkton when this Annexation Resolution becomes effective. (Res.1-88.)

(46) Five areas of land, Parcel No. 1, being all that lot or parcel of land situate and lying on the east side of the public road leading from Elkton to Singerly, in the Third Election District of Cecil County, and more particularly described as follows: beginning for the same at a stone on the east side of the Singerly Road at a corner of "Friendship," said stone being the beginning of the tract described in a deed from C. F. Rawlinson to Wm. Walters, recorded in the Land Records of Cecil County in Liber C.S.P. No. 1, Folio 455, and running thence north 63° 24' and 20" east 521.4 feet to a corner of the original tract; thence south 33° 27' 40" east 312 feet to a stake; thence south 87° 54' 20" west 636.4 feet to the aforesaid road, and thence with the edge of said road north 2° 5' 40" west 50 feet to the point of beginning. Containing 2.2 acres of land, more or less, subject however, to a reservation which was contained in a deed from Michael Pastuszek and Mary Pastuszek, his wife, to Henry Mischler, dated February 18, 1948, and recorded among the Land Records of Cecil County in Liber R.R.C. No. 29, Folio 326 &c, the language of said reservation being as follows: Reserving, however, for the use of the grantors and grantee, their heirs and assigns, forever, to be used in common, a strip of land running along the entire eastern boundary of the land hereby conveyed, it being the intention of the grantors

that an alley way or street is to be reserved along the eastern boundary of other lots when sold to be open at all times, and excepting thereout and therefrom, all that portion of said lot which was conveyed by Dorothy Zerbe to the State of Maryland for the use of the State Roads Commission of Maryland by deed, dated June 9, 1956, and recorded among the Land Records of Cecil County in Liber W.A.S. No. 32, Folio 261 &c, being all that lot or parcel of land which was granted and conveyed unto James Paul Smith, Jr. and Mary Ellen Smith, his wife, by deed of Dorothy Zerbe, dated February 11, 1965, and recorded among the Land Records of Cecil County, Maryland at Liber W.A.S. No. 166, Folio 101. Parcel No. 2, being all that lot or parcel of land lying along Singerly Road in the Third Election District of Cecil County and designated as Parcel No. 1A on a survey prepared by C. Robert Webb, Registered Professional Land Surveyor, dated March 16, 1982, and more particularly described as follows: beginning for the same at a concrete monument found set in the ground on the easterly right-of-way line of U.S. Route No. 213 (Singerly Road), a public road running from Elkton to Fair Hill, 50 feet from the baseline of the right-of-way which is shown on Maryland State Road Commission Plat No. 14326; said point of beginning also being the southwesterly corner of the James Paul Smith, Jr., land which is recorded in the Land Record Books of Cecil County in Liber W.A.S. No. 166, Folio 101; the following courses, as now surveyed are referred to Maryland Grid North; thence leaving said point of beginning and running by and with the southerly boundary line of said James Paul Smith, Jr. land north  $76^{\circ} 54' 48''$  east 628.42 feet to a concrete monument found set in the ground on the westerly boundary line of land of Singerly Development Company (W.A.S. No. 358, Folio 692) and Margaret M. Wilson (N.D.S. No. 19, Folio 849); thence running by and with the same, south  $42^{\circ} 33' 20''$  east 388.28 feet to an iron pipe now driven in the ground on the easterly right-of-way line of the forementioned U.S. Route No. 213; thence running by and with the same, north  $12^{\circ} 06' 47''$  west 280.00 feet to the point of beginning. Containing in all 5.0861 acres of land, more or less, together with a twenty-five-foot right-of-way over Parcel 1B on the aforementioned plat of lands presently owned by Ray Blankenship, et ux. Said right-of-way shall be measured as twenty-five (25) feet immediately south of the division line between Parcels 1A and 1B at all points of said line and extending the length of said line 825.97 feet, subject, however, to a twenty-five-foot right-of-way by Ray Blankenship, et ux., their heirs and assigns, over Parcel 1A. Said right-of-way shall be measured as the twenty-five (25) feet immediately north of the division line between Parcels 1A and 1B at all points of said line and extending the length 825.97 feet thereto, being all that lot or parcel of land which was granted and conveyed unto said James Paul Smith, Jr. and Mary Ellen Smith, his wife, by deed of James Paul Smith, Jr., Mary Ellen Smith, Ray Blankenship and Jacqueline C. Blankenship, dated July 7, 1982, and recorded among the Land Records of Cecil County, Maryland at Liber N.D.S. No. 84, Folio 39, Parcel No. 3, being all that lot or parcel of land lying along Singerly Road in the Third Election District of Cecil County and designated as Parcel No. 1B on a survey prepared by C. Robert Webb, Registered Professional Land Surveyor, dated March 16, 1982, and more particularly described as follows: beginning for the same at an iron pipe now driven in the ground on the easterly right-of-way line of U.S. Route No. 213 (Singerly Road), a public road running from Elkton to Fair Hill, 50 feet from the baseline of the right-of-way which is shown on Maryland State Roads Commission Plat No. 14326; said point of beginning being the southwesterly corner of a parcel of land which is to be conveyed to James Paul Smith, Jr., et ux., said point of beginning also being located south  $12^{\circ} 06' 47''$  east 280.00 feet from a concrete monument found set in the ground at the northwesterly corner of the whole tract of land of which the herein described parcel of land is a part and also the southwesterly corner of other land of



said James Paul Smith, Jr., which is recorded in the Land Record Books of Cecil County in Liber W.A.S. No. 166, Folio 101; thence leaving said point of beginning and running along a new division line, north 80° 54' 57" east 825.97 feet to an iron pipe now driven in the ground on the westerly boundary line of Singerly Development Co. (W.A.S. No. 358, Folio 692) and Margaret M. Wilson (N.D.S. No. 19, Folio 849); thence running by and with the same, south 42° 33' 20" east 255.34 feet to an iron pipe found driven in the ground; thence running by and with land now or formerly of M.D.R. Realty which is recorded in the Land Record Books of Cecil County in Liber N.D.S. No. 77, Folio 570 (Parcel No. 1) south 76° 54' 48" west 954.33 feet to an iron pipe found driven in the ground on the easterly right-of-way line of the aforementioned U.S. Route No. 213; thence running by and with the same north 12° 06' 47" west 280.00 feet to the point of beginning. Containing in all 5.0861 acres of land, more or less, together with a twenty-five-foot right-of-way over Parcel 1A on the aforementioned plat of lands presently owned by James Paul Smith, Jr. and Mary Ellen Smith, his wife. Said right-of-way shall be measured as the twenty-five (25) feet immediately north of the division line between Parcels 1A and 1B at all points of said line and extending the length of said line 825.97 feet, subject, however, to a twenty-five-foot right-of-way by James Paul Smith, Jr. and Mary Ellen Smith, his wife, their heirs and assigns, over Parcel 1B. Said right-of-way shall be measured as the twenty-five (25) feet immediately south of the division line between Parcels 1A and 1B at all points of said line and extending the length 825.97 feet thereto, being all that lot or parcel of land which was granted and conveyed unto Ray Blankenship and Jacqueline C. Blankenship, his wife, by deed of James Paul Smith, Jr. and Mary Ellen Smith, Ray Blankenship and Jacqueline C. Blankenship, dated July 7, 1982, and recorded among the Land Records of Cecil County, Maryland, at Liber N.D.S. No. 84, Folio 42. Parcel No. 4A, being all that lot or parcel of land situate in the Third Election District of Cecil County, Maryland, and more particularly described as follows: beginning for the same at a concrete monument found set in the ground on the easterly right-of-way line of U.S. Route No. 213, a public road running from Elkton to Fair Hill, 40 feet from the baseline of the right-of-way which is shown on Maryland State Roads Commission Plat No. 14326; said point of beginning also being the northwesterly corner of the Harry Walters lands which is recorded in the Land Record Books of Cecil County in Liber S.R.A. No. 5, Folio 487; the following courses, as now surveyed, are referred to Maryland Grid North; thence leaving said point of beginning and running by and with said easterly right-of-way line of U.S. Route No. 213, the following three (3) courses and distances: north 12° 06' 47" west 41.56 feet to a point; north 77° 53' 13" east 10.00 feet to a point; and north 12° 06' 47" west 317.23 feet to an iron pipe now driven in the ground; thence running along a new division line between the herein described parcel of land and other land now or formerly of the estate of Michael Pastuszek, deceased, north 76° 54' 48" east 954.33 feet to an iron pipe now driven in the ground on the westerly boundary line of land of Singerly Development Company (W.A.S. No. 358, Folio 692) and Margaret M. Wilson (N.D.S. No. 19, Folio 849); thence running by and with the same, south 42° 33' 20" east 627.32 feet to an iron pipe now driven in the ground in or near an old fence line; thence running along another new division line between the herein described parcel of land and other land now or formerly of the aforementioned estate of Michael Pastuszek, deceased, south 78° 35' 24" west 1152.26 feet to a concrete monument found set in the ground at the southeasterly corner of the Clarence Walters land which is recorded in the Land Record Books of Cecil County in Liber W.A.S. No. 286, Folio 172; then running by and with the same and with lands of the Elkton Church of God (W.A.S. No. 155, Folio 188) and the forementioned Harry Walters, north 12° 06' 47" west 150.00 feet to a concrete monument found set in the ground;

thence still running by and with said Harry Walters land, south 78° 35' 24" west 130.00 feet to the point of beginning. Containing in all 13.0095 acres of land, more or less. Parcel No. 4B, beginning for the same at a concrete monument found set in the ground on the easterly side of U.S. Route No. 213, a public road running from Elkton to Fair Hill, 40 feet from the base line of the right-of-way which is shown on Maryland State Roads Commission Plats No. 14325 and No. 14326, said point of beginning also being the northwesterly corner of the George W. Nelson land which is recorded in the Land Record Books of Cecil County in Liber W.A.S. No. 259, Folio 149; the following courses and distances, as now surveyed, are referred to Maryland Grid North; thence leaving said point of beginning and running by and with said easterly right-of-way line of U.S. Route No. 213, north 12° 06' 47" west 201.08 feet to a concrete monument found set in the ground at the southwesterly corner of the Clarence Walters land which is recorded in the Land Record Books of Cecil County in Liber W.A.S. No. 286, Folio 172; thence running by and with the same, north 78° 35' 24" east 130.00 feet to a concrete monument found set in the ground; thence running along a new division line between the herein described parcel of land and other land now or formerly of the estate of Michael Pastuszek, deceased, north 78° 35' 24" east 1,152.26 feet to an iron pipe now driven in the ground on a westerly boundary line of land of Singerly Development Company (W.A.S. No. 358, Folio 692) and Margaret M. Wilson (N.D.S. No. 19, Folio 849); thence running by and with the same, south 42° 33' 20" east 580.04 feet generally following along an old fence line to a corner fence post set in concrete at the northeasterly corner of other lands of the estate of Michael Pastuszek which is recorded in the Land Record Books of Cecil County in Liber N.D.S. No. 66, Folio 510; thence running along three (3) new division lines between the herein described parcel of land and other lands now or formerly of the estate of Michael Pastuszek, deceased; south 56° 49' 39" west 310.09 feet to an iron pipe now driven in the ground; north 31° 46' 46" west 208.31 feet to an iron pipe now driven in the ground; and south 79° 45' 19" west 850.03 feet to a concrete monument found set in the ground at the southeasterly corner of the aforementioned George W. Nelson land; thence running by and with the same the two (2) following courses and distances: north 16° 45' 21" west 180.09 feet to a concrete monument found set in the ground; and south 81° 35' 09" west 353.13 feet to the point of beginning. Containing in all 12.5850 acres of land, more or less, being all of the land which was granted and conveyed unto M.D.R. Realty, a Maryland General Partnership, by deed of Walter T. ReDavid, et al, dated January 29, 1982, and recorded among the Land Records of Cecil County, Maryland, at Liber N.D.S. No. 77, Folio 570. Section 3 provided that Parcel No. 1062 owned by M.D.R. Realty shall be zoned R-O for the first 400 feet east of Maryland Route 213 and the remainder of Parcel No. 1062 shall be zoned R-2. Parcel Nos. 33 and 36, owned by Mr. and Mrs. James Paul Smith, Jr. and parcel No. 1071, owned by Mr. and Mrs. Ray Blankenship shall be zoned R-1; and further that said property shall be placed on the tax rolls for the Town of Elkton at such time as the properties actually hook into the town water and/or sewage system. (Res. 4-88.)

(47) Two areas of land, (Michael Tract), being all that lot or parcel of land situate lying and being in the Third Election District of Cecil County, State of Maryland and more particularly described as follows: beginning at a pipe on the south side of Maryland Route No. 7 leading from Elkton to U.S. Route 40, said place of beginning also being south 68° 13' east 236.53 feet from the east line of Wilson Street as shown on a plat of a subdivision called Normira, and running thence, from the place of beginning, south 68° 13' east 178.25 feet along the south side of Maryland Route No. 7 to a pipe; thence, south 39° 10' west 193.20 feet to a

pipe; thence, north 68° 08' west 50 feet to a concrete monument at the northeast corner of Boyd's Motel, and thence north 0° 53' east 197.21 feet to the place of beginning; containing 0.48 acres of land, more or less, being the same lot or parcel of land which was conveyed unto Whitney T. Michael, Jr. and Lola Katherine Pardoe Michael, his wife, by deed from Whitney T. Michael and Roger B. Hart, dated February 27, 1984, and recorded among the Land Records of Cecil County in Liber N.D.S. No. 114, Folio 780. Parcel No. 2: (Olewine Tract), being all that lot or parcel of land situate in the Third Election District of Cecil County, State of Maryland, and more particularly described as follows: beginning for the same at an iron pipe on the southernmost side of Maryland, Route No. 7, presently known as "Delaware Avenue," at the northwesternmost corner of the lot or parcel of land which was conveyed by Slater E. McKeever and Eleanor M. McKeever, his wife, to Harry Johnson and Sadie W. Johnson, his wife, by deed dated June 1, 1965, and recorded among the Land Records of Cecil County in Liber W.A.S. No. 172, Folio 222 &c., and running thence from said point or place of beginning, so located, with the lot of Harry Johnson and Sadie W. Johnson, his wife, South 00° 53' 00" west 197.21 feet to a concrete monument; thence with the land of James K. Boyd and Margaret K. Boyd, his wife, north 68° 08' 00" west 190.00 feet to an iron pipe at the southeast corner of the lot now or formerly of William F. Trimble and Hazel R. Trimble, his wife; thence with said Trimble lot, north 16° 32' 40" east 184.93 feet to an iron pipe on the southernmost side of Maryland Route No. 7, and thence with said side of Maryland Route No. 7, south 68° 08' 00" east 136.53 feet to the point or place of beginning; containing 30.063 square feet of land, more or less, in accordance with a survey by APR Associates, dated April 9, 1970, being a part of the lot or parcel of land which was conveyed to Grace Olewine by Ira A. Moore, widower, by his deed, dated May 15, 1941, and recorded among the Land Records of Cecil County in Liber W.E.B. No. 20, Folio 357 &c., and being all of the lot or parcel of land which was conveyed to Grace Olewine by Helen Jane Ott, by her deed, dated July 23, 1941, and recorded among the Land Records of Cecil County in Liber W.E.B. No. 21, Folio 24 &c., and being a small part of the lot or parcel of land which was conveyed to Grace Olewine by Ira A. Moore, widower, by his deed, dated February 24, 1942, and recorded among the Land Records of Cecil County in Liber W.E.B. No. 25, Folio 3 &c., and being land of which Grace Olewine died, seized and possessed, having first made her last will and testament, dated October 3, 1961, and now recorded among the Will Records of Cecil County in Liber R.H.T. No. 3, Folio 37, and this being the transfer by the personal representative of the estate of Grace Olewine to Robert E. Olewine, sole devisee named in the will of said deceased. Section 3 provided that the areas to be annexed are to be zoned R-O, and further that said property shall be placed on the tax rolls for the Town of Elkton at such time as the properties actually hook into the town water and sewage systems. (Res. 5-88.)

(48) Four parcels of land, as follows: Parcel No. 1, beginning at a point on the east side of the Public Road which leads from Maryland Route No. 213 to Maryland Highway No. U.S. 40, known as "Whitehall Road," said point being the northerlymost corner of the herein described parcel and being the westerlymost corner of the land of the Board of Education of Cecil County (Liber W.A.S. 114, Folio 450), said parcel containing 106.481 acres of land, more or less; Parcel No. 2, beginning at an iron rod set on the northerly side of the public road which leads from Maryland Route No. 213 to Big Elk Creek, known as "Frenchtown Road," said rod being the southwesterlymost corner of the herein described land and being the southeasterlymost corner of land of Phyllis A. Good (Liber N.D.S. 156, Folio 404), said parcel containing 190.471 acres of land, more or less; Parcel No. 3, beginning at a point on the northerly side of Dickey

Biddle Road, now known as “Whitehall Road,” said point being a common corner with the lands now or late of Southern States Elkton Petroleum Cooperatives, Inc., said parcel containing 0.309 acre, more or less; and Parcel No. 4, beginning at a point on the easterly side of the Dual Highway between Elkton and Chesapeake City, known as “Maryland Route 213,” which said point is opposite Station 223, plus 77, as shown on a plat of the State Roads Commission of Maryland, bearing No. 5916, said parcel containing 1 acre of land, more or less. Section 3 of such annexation reads as follows: “The property belonging to David A. Peck, et ux., consisting of 2.763 acres of land, more or less, the property of Emzy Walls, et ux., consisting of 5.506 acres of land, more or less, the property of Southern States Elkton Petroleum Cooperative, Inc., consisting of 1.0 acre of land, more or less and the property of the Town of Elkton consisting of 0.309 acre of land, more or less, being annexed herein into the municipal limits of the Town of Elkton shall be subject to levy for town taxes when each respective property is connected to town water and/or sewer at the owner’s expense and said connection is activated for use; the remainder of the property being annexed herein into said municipal limits of the Town of Elkton, consisting of approximately 296.95 acres of land, more or less, and being the property belonging to H. Boyns Crowgey, Jr., et ux., and Herbert Rickey and Edward D.E. Rollins, Jr., co-trustees for Elizabeth Crowgey Harmon, shall be developed in sections in accordance with a plan to be submitted, and each section shall be subject to levy for town taxes when said section is improved and connected to town water and/or sewer and said connection is activated for use and the remaining sections shall not be subject to levy for town taxes until each section is individually developed as above set forth. Tap-on fees for water and sewer connections shall be paid in accordance with the schedule of charges adopted by the Town of Elkton and now currently in effect. A conveyance of any portion of the property being annexed herein shall be subject to the conditions of this resolution.” Section 4 of said annexation reads as follows: “The area to be annexed, belonging to David A. Peck, et ux., Emzy M. Walls, et ux., and Southern States Elkton Petroleum Cooperative, Inc., respectively, is to be changed from County R-2 to Town C-2; and that the area belonging to the Town of Elkton is to be changed from County R-2 to Town R-2; that the area comprising 1,700 feet along the east side of Maryland Route 213, 660 feet along the south side of Whitehall Road and for an approximate depth of 600 feet from said east side of Maryland Route 213 belonging to H. Boyns Crowgey, Jr., et ux., et al, is to be changed from County R-2 to Town C-2; and that the area comprising 1,150 feet along the east side of Maryland Route 213 and for a depth of 1,500 feet from said east side of Maryland Route 213 with the southernmost boundary being the north side of Frenchtown Road belonging to H. Boyns Crowgey, Jr., et ux., et al., is to be changed from County R-2 to Town R-3; and that the remainder of the property belonging to H. Boyns Crowgey, Jr., et ux., et al., located on the eastern side of Maryland Route 213 and being part of Parcel No. 1 hereinabove set forth is to be changed from County R-2 to Town R-1; that the area comprising 1,900 feet along the west side of Maryland Route 213 and 1,600 feet along the south side of Whitehall Road and for a depth of 1,600 feet from said west side of Maryland Route 213 belonging to H. Boyns Crowgey, Jr., et ux., et al., is to be changed from County R-2 to Town C-2; and that the area comprising 1,430 feet along the west side of Maryland Route 213 and 2,550 feet from the said west side of Maryland Route 213 belonging to H. Boyns Crowgey, Jr., et ux., et al., is to be changed from along the north side of Frenchtown Road for varying depths not to exceed 2,550 feet: and that the area comprising 975 feet along the south side of Whitehall Road and for a depth of 700 feet from the said south side of Whitehall Road belonging to H. Boyns Crowgey, Jr., et ux., et al., is to be changed from County R-2 to Town R-3; and that the remainder of the property on the west side

of Maryland Route 213 belonging to the said H. Boyns Crowgey, Jr., et ux., et al., being part of Parcel No. 2 hereinabove set forth is to be changed from County R-2 to Town R-3.” (Res. 1-89.)

(49) Two parcels of land, as follows: Parcel No. 1, beginning at a point in the center of Delancy Road, said point being the northwest corner of lands of Four L Construction as described in a deed recorded among the land records of Cecil County in Liber N.D.S. No. 57, Folio 210, said lands being a larger tract of which the lot herein described is a part, said point also marking a corner of the subdivision of Turnquist, said parcel containing 0.9528 acre of land, more or less; and Parcel 2, beginning at a point in the center of Delancy Road, said point being south 05 degrees 15 minutes 07 seconds west, 100.00 feet from the common corner of lands of Four L Construction and the subdivision of Turnquist, said parcel containing 1.3265 acres of land, more or less. Section 3 of such annexation reads as follows: “The area to be annexed is changed from County R-2 to Town R-3; and further, that said property shall be placed on the tax rolls for the Town of Elkton when the water and sewer is connected to the said property.” (Res. 2-89.)

(50) Lot No. 14 on a plat of Glen Mary Heights recorded among the Plat Records of Cecil County in Plat Book R.R.C. No. 1, Folio 97, and having a property address of 104 Ross Street, Elkton, Maryland 21921. Such annexation also provided that the area being annexed shall be zoned as R-2 in the Town of Elkton. (Res. 3-89.)

(51) The area of land beginning at a stone on the north side of Route No. 7, near the top of Cresswell’s Hill and at the southwest corner of lands owned by James Keegan; thence from place of beginning north 67° west 115 feet to the east line of Lot No. 6; thence with Lot No. 6, north 29° 17’ east 200 feet to the south line of lands now owned by the Maryland Fish and Game Commission; thence with the above-mentioned lands south 67° east 119.2 feet to the west line of Keegan; thence with the west line of Keegan south 30° 30’ west 200 feet to the place of beginning; containing 20,400 square feet of land, more or less. A description and plat of the land herein was prepared by Harry F. Benson, Surveyors, Elkton, Maryland, August 16, 1954, and the lot described is also known as “Lot No. 7” of an unrecorded plat of the Lands of Stanley Ross. Section 3 of this annexation provided that: “The area to be annexed is to be changed from County R-2 to Town R-2; and further, that said property shall be placed on the tax rolls for the Town of Elkton when the water and sewer is connected to the said property.” (Res. 1-90.)

(52) Two parcels of land, as follows: Parcel No. 1, beginning at the northwesterly corner of Gilpin Avenue and Walnut Lane, formerly Ricketts Mill Road, and running thence by and with the northerly line of said Gilpin Avenue, South 79 degrees 50 minutes West, 157.00 feet to a point; thence, North 26 degrees 59 minutes West, 104.34 feet to the northerlymost line in a deed from Gertrude R. Litzenberg, et vir., to Edmund W. Crothers, et ux., dated November 28, 1955, and recorded among the Land Records of Cecil County in Liber W.A.S. No. 21, folio 463, and running by and with the same, North 79 degrees 50 minutes East, 143.00 feet to the west side of Walnut Lane, formerly known as Ricketts Mill Road, and thence, by and with the same, South 34 degrees 01 minute 54 seconds East, 109.216 feet, more or less, to the point and place of beginning. Parcel No. 2, beginning at a point on the West side of Walnut Lane, formerly Ricketts Mill Road, at the Northeasterly corner of Lot No. 8 in the subdivision

known as Gilpin Heights as recorded among the plat records of Cecil County in Plat Book R.R.C. No. 1, folio 11, and also being the Northeasterly corner of Parcel No. 1 described in the Petition, and running thence with said Westerly side of Walnut Lane, North 34 degrees 02 minutes West 109.20 feet to the Southeasterly corner of Lot No. 11 in said subdivision, then South 79 degrees 50 minutes West, 150.00 feet to the Northeasterly corner of Lot No. 26 in said subdivision, thence with the same, South 34 degrees 02 minutes East 109.20 feet to the original Northwesterly corner of Lot. No. 8, thence with the same, North 79 degrees 50 minutes East 150.00 feet to the point and place of beginning. Section 3 provided that both parcels be annexed with a zoning classification of R-1. (Res. 1-93.)

(53) All those two (2) parcels of land located in the Third Election District of Cecil County, Maryland, consisting of approximately 63.30 acres, more or less, running northerly and easterly from the present Town boundary at the intersection of U.S. Route 40 and Delancy Road extending to the Delaware State Line. Said parcels are described as follows:

Parcel No. 1, beginning for the same at a concrete monument found on the northernmost right-of-way line of U.S. Route 40 also known as Pulaski Highway (see S.R.C. Plat Nos. 3050 and 3051); said beginning point also being on the boundary line of the states of Maryland and Delaware and the southwesternmost corner of the lands, now or formerly, of Delmarva Power and Light Company (see New Castle County, Delaware Deed Reference Z054-0049); thence, leaving said beginning point so fixed and leaving the lands of the Delmarva Power and Light Company and binding on the northernmost right-of-way line of U.S. Route 40 (150' wide) the two following courses and distances: 1) South 68 degrees 29 minutes 32 seconds West 1,074.89 feet to a concrete monument set at a point of curvature, and thence, 2) By the arc of a curve to the left 181.36 feet to a concrete monument found on the Westernmost side of Delancy Road; said curve having a radius of 4,372.18 feet and scribed by a chord of South 67 degrees 18 minutes 14 seconds West 181.35 feet; thence, leaving U.S. Route 40 and binding on the easternmost side of Delancy Road the two following courses and distances; 3) North 27 degrees 49 minutes 48 seconds West 1,854.86 feet to a point of curvature, and thence, 4) By the arc of a curve to the right 75.58 feet to a point on the Southernmost boundary line of the lands, now or formerly, of Arthur L. Jackson (see W.A.S. 180/499); said curve having a radius of 432.51 feet and scribed by a chord of North 22 degrees 49 minutes 26 seconds West 75.49 feet; then, leaving Delancy Road and binding on the Southernmost outline of the Jackson lands, the Southernmost outline of the Turnquist Subdivision (see Plat Books N.D.S. 6/78 and N.D.S. 12/91) and the Southernmost outline of the lands, now or formerly, of Conowingo Power Company (see W.A.S. 45/399 and W.A.S. 247/336) the three following courses and distances; 5) North 77 degrees 42 minutes 32 seconds East 10.00 feet to a concrete monument set, thence, continuing on said same course, 6) North 77 degrees 42 minutes 32 seconds East 589.32 feet to an iron pipe found, and thence, continuing on said same course, 7) North 77 degrees 42 minutes 32 seconds East 1157.34 feet to a concrete monument found on the aforementioned boundary line of the states of Maryland and Delaware and at the Southwesternmost corner of the Rosetree Hunt Subdivision recorded November 14, 1990 in the Office of the Recorder of Deeds of New Castle County, Delaware as Micro Film No. 10658; thence, leaving the Rosetree Hunt Subdivision and binding on the Westernmost outline of the aforementioned Delmarva Power and Light Company lands and on the boundary line of the states of Maryland and Delaware, 8) South 12 degrees 03 minutes 49 seconds East 1,656.37 feet to the place of beginning. Containing in all 61.171 acres

of land, more or less, as surveyed by McCrone, Inc., Registered Professional Engineers and Land Surveyors, in January of 1995.

Being or intending to be part of all those lands conveyed to Delmarva Capital Realty Company, a Delaware Corporation from Delmarva Capital Investments, Inc., a Corporation of the State of Delaware and the Commonwealth of Virginia by deed dated March 5, 1993 and recorded among the Land Records of Cecil County, Maryland in Liber N.D.S. 426, folio 1.

Parcel No. 2, beginning for the same at a concrete monument found at the intersection of the easternmost right-of-way line of Delancy Road and the northernmost right-of-way line of U.S. Route 40, a 150 foot wide right-of-way, (see S.R.C. Plat Nos. 3050 and 3051); said point further being located at the southwesternmost corner of the lands, now or formerly, of Delmarva Capital Realty Company (see N.D.S. 426/1) as shown on a plat entitled, "Boundary Survey on the lands of Delmarva Capital Realty Company" prepared by McCrone, Inc. in January of 1995; thence, leaving said beginning point so fixed and leaving the easternmost right-of-way line of Delancy Road and binding on the northernmost right-of-way line of U.S. Route 40, 1) By the arc of a curve to the left 50.46 feet to a point at the intersection of the northernmost right-of-way line of U.S. Route 40 and the westernmost right-of-way line of Delancy Road; said point further being located on the southernmost outline of the lands, now or formerly, of David Richardson (see N.D.S. 310/511); said curve having a radius of 4,372.18 feet and scribed by a chord of South 65 degrees 47 minutes 06 seconds West 50.46 feet; thence, leaving the northernmost right-of-way line of U.S. Route 40 and binding on the westernmost right-of-way line of Delancy Road and running across the aforementioned Richardson lands, and across the lands, now or formerly, of Fasano & Ferguson Development (see N.D.S. 291/16) and along the easternmost outline of the subdivision of Delancy Village (see Plat Book W.A.S. 4/59) the following course and distances: 2) North 27 degrees 40 minutes 43 seconds west 1,159.93 feet to an iron pipe found on the westernmost right-of-way line of Delancy Road at the intersection of the division line between the aforementioned Delancy Village and the subdivision of Buckhill Farms (see Plat Books W.A.S. 3/93, 4/58-B, & N.D.S. 6/3); thence, continuing on said same course and leaving Delancy Village and continuing along the westernmost right-of-way line of Delancy Road and binding on the easternmost outline of Buckhill Farms the two following courses and distances: 3) North 27 degrees 40 minutes 43 seconds West 777.06 feet to an iron pipe found, and thence, 4) North 09 degrees 09 minutes 43 seconds West 4.15 feet to a point; thence, leaving the westernmost right-of-way line of Delancy Road and Buckhill Farms and crossing said Delancy Road, 5) North 77 degrees 42 minutes 32 seconds East 52.41 feet to a point on the Easternmost right-of-way line of Delancy Road at the intersection of the division line between the lands, now or formerly, of Arthur L. Jackson (see W.A.S. 180/499) and the aforementioned lands of Delmarva Capital Realty Company; thence, leaving the Jackson lands and binding on the Easternmost right-of-way line of Delancy Road and the Westernmost outline of Delmarva Capital Realty Company the two following courses and distances: 6) By the arc of a curve to the left 75.58 feet to a point of tangency; said curve having a radius of 432.51 feet and scribed by a chord of South 22 degrees 49 minutes 26 seconds East 75.49 feet, and thence, 7) South 27 degrees 49 minutes 48 seconds East 1,854.86 feet to the place of beginning. Containing in all 2.129 acres of land, more or less, as surveyed by McCrone, Inc., Registered Professional Engineers and Land Surveyors in January of 1995.

Parcel No. 1 being currently owned by Delmarva Capital Realty Company and under contract to be sold to Barry L. Williams, Franklin T. Williams, III, David K. Williams, Jr. and Thomas T. Williams pursuant to an Agreement of Sale and Option Agreement; and Parcel No. 2 being a portion of the right-of-way of Delancy Road, being a public road within Cecil County, Maryland.

Said parcels are currently zoned BI under Cecil County Zoning Regulations and shall be designated R-3 (multi-family residential) (approximately 47.50 acres) and C-2 (commercial) (approximately 15.80 acres) upon annexation to the Town of Elkton.

A copy of plats detailing the property to be annexed and the proposed zoning classification areas is available for inspection at the Town Hall in Elkton during normal business hours.

And be it further resolved that the persons and property included within the aforementioned boundaries as property to be annexed shall be subject to all provisions of the Charter, laws and ordinances heretofore enacted or those subsequently enacted by the Mayor and Commissioners of Elkton, and in addition, all of the Public Local Laws or Public General Laws heretofore or subsequently passed by the Maryland Legislature on behalf of the Town of Elkton.

And be it further resolved that the property being annexed herein into the municipal limits of the Town shall be subject to levy for Town taxes, including real estate and personal property taxes, effective the tax year 1996-97. (Res. 1-96.)

(54) All that certain lot or parcel of land situate, lying and being in the Third Election District of Cecil County, Maryland, and fronting on Maryland Route 7, consisting of approximately 20,000 square feet of land, more or less. Said parcel is described as follows:

Beginning at a stake on the north side of Route No. 7 near the top of Creswell's Hill and at the Southwest corner of Lot No. 7, said stake being North 67 degrees West 115 feet from a stone at the Southwest corner of lands now owned by James Keegan; thence from place of beginning North 67 degrees West 100 feet to the East line of Lot No. 5; thence with Lot No. 5, North 29 degrees 17 minutes East 200 feet to a stake on the South line of lands owned by the Maryland Fish and Game Commission; thence with the abovementioned lands South 67 degrees East 100 feet to the West line of Lot No. 7; thence with Lot No. 7 South 29 degrees 17 minutes West 200 feet to the place of beginning. Containing 20,000 square feet of land, more or less. A description and plat of the land herein intended to be conveyed was prepared by Harry F. Benson, Surveyors, Elkton, Maryland, August 16, 1954, and the lot described is also known as Lot No. 6 on an unrecorded plat of the lands of one Stanley Ross, et ux.

Being the same and all the land and premises conveyed to Layton T. Boulden, Jr. and Margaret L. Boulden, his wife, from Watts Harold Mustain and Marie S. Mustain, his wife, by deed dated November 15, 1954 and recorded among the Land Records of Cecil County, Maryland in Liber R.R.C. 116, folio 152.



Said parcel is currently zoned residential under Cecil County Zoning Regulations and shall be designated R-1 upon annexation to the Town of Elkton.

A copy of the plat detailing the property to be annexed and the proposed zoning classification area is available for inspection at the Town Hall in Elkton during normal business hours.

And be it further resolved that the persons and property included within the aforementioned boundaries as property to be annexed shall be subject to all provisions of the Charter, laws and ordinances heretofore enacted or those subsequently enacted by the Mayor and Commissioners of Elkton, and in addition, all of the Public Local Laws or Public General Laws heretofore or subsequently passed by the Maryland Legislature on behalf of the Town of Elkton.

And be it further resolved that the property being annexed herein into the municipal limits of the Town shall be subject to levy for Town taxes, including real estate and personal property taxes, effective the tax year 1996-97. (Res. 2-96.)

(55) All that lot or parcel of land located in the Third Election District of Cecil County, Maryland, consisting of approximately 10.677 acres, more or less, running easterly from the present Town boundary near Keithley Lane and extending to Keithley Lane. Said parcel is described as follows:

Beginning for the same at an iron pipe found on the easterly side of Keithley Lane, said point marking the northwest corner of the parcel herein described and running from said point of beginning North 66 degrees 21 minutes 48 seconds East 952.32 feet to an iron pipe found; thence, turning and running South 22 degrees 24 minutes 18 seconds East 474.17 feet to a point; thence, turning and running South 65 degrees 54 minutes 44 seconds West 994.28 feet to a 24 inch cedar tree on the Easterly side of Keithley Lane; thence, North 17 degrees 27 minutes 46 seconds West 484.70 feet to the point and place of beginning. Containing 10.677 acres, more or less, as surveyed by McCrone, Inc., Registered Professional Engineers and Land Surveyors, in June, 2000.

Being or intended to be all that lot or parcel of land conveyed to Charles R. Keithley by deed from the County Commissioners of Cecil County, dated May 5, 1932, and recorded among the Land Records of Cecil County at S.R.A. No. 16, folio 506.

Said parcel is currently zoned MH under Cecil County zoning regulations and shall be designated R-2 (Town Residential) upon annexation into the Town of Elkton.

A copy of a plat detailing the property to be annexed and the proposed zoning classification is available for inspection at the Town Hall in Elkton during normal business hours.

And be it further resolved that the persons and property included within the aforementioned boundaries as property to be annexed shall be subject to all provisions of the Charter, laws and ordinances heretofore enacted or those subsequently enacted by the Mayor and

Commissioners of Elkton, and in addition, all of the Public Local Laws or Public General Laws heretofore or subsequently passed by the Maryland Legislature on behalf of the Town of Elkton.

And be it further resolved that the property being annexed herein into the municipal limits of the Town shall be subject to levy for Town taxes, including real estate and personal property taxes, effective the tax year 2001–2002. (Res. No. A1–2000, 11/04/00.)

(56) Beginning for the same at a point on the southerly side of Maryland Route 281, at an iron pin found; said point further being a corner for this parcel and lands now or formerly of William D. Testerman;

Thence, with said side of Maryland Route 281 North 72° 30' 00" East 65.48 feet to a concrete monument found, a corner for lands now or formerly of Jack D. Culver; thence, thereby, the following two courses and distances: (1) South 29° 46' 53" East 195.60 feet to a concrete monument found, and thence; (2) North 70° 21' 13" East 95.59 feet to a point in line of lands now or formerly of Wiley C. Dorsey; thence, thereby, South 23° 14' 17" East 296.29 feet to an iron pipe found, a corner for lands now or formerly of Stanley R. Harper; thence, thereby, the following four courses and distances: (1) South 07° 59' 54" West 62.49 feet to a 2" axle found, thence; (2) South 17° 03' 48" East 331.34 feet to a fence corner, thence; (3) South 11° 45' 14" East 164.04 to an iron pipe found, and thence; (4) South 08° 55' 58" East 305.43 feet to an iron pipe found, a corner for lands now or formerly known as the Colonial Ridge Subdivision; thence, thereby, North 85° 45' 10" West 791.51 feet to a stone found, a corner for lands now or formerly of Joseph Mullan; thence, thereby, North 08° 45' 05" West 750.47 feet to an iron pipe found, a corner for lands now or formerly of Patricia Roche; thence, thereby the following two courses and distances: (1) North 72° 49' 23" East 109.23 feet to an iron pipe found, and thence; (2) North 15° 21' 40" West 59.32 feet to a corner for lands now or formerly of Harold Owens; thence, thereby, the following two courses and distances: (1) North 72° 34' 46" East 64.99 feet to a point, and thence; (2) North 15° 20' 40" West 50.00 feet to a corner for lands now or formerly of Paul Purnell; thence, thereby, North 72° 34' 46" East 50.00 feet to a corner for lands now or formerly of Harold Owens; thence, thereby, the following three courses and distances: (1) South 15° 19' 49" East 50.00 feet to a point, thence; (2) North 72° 34' 46" East 59.24 feet to an iron pipe found, thence; (3) North 16° 45' 19" West 49.98 feet to a corner for lands now or formerly of Donald W. Barrow; thence, thereby; (4) North 72° 34' 46" East 83.00 feet to a point, and thence; (5) North 81° 07' 52" East 38.74 feet to an angle iron post found; thence, thereby, and also with lands of William D. Testerman, the following two courses and distances: (1) North 70° 21' 14" East 114.83 feet to a concrete monument found, thence; (2) North 29° 48' 16" West 198.11 feet to the point and place of beginning, containing in all 16.88 acres of land, more or less. Said parcel is designated as parcel 731 on tax map 27.

Being or intending to be all those lands conveyed to Walter M. Baker and Jean C. Baker from Walter M. Baker dated April 12, 1984 and recorded in the lands record books of Cecil County, Maryland in Liber N.D.S. 117, folio 85.

Saving and excepting all that 0.109 acre parcel conveyed to Russell C. Biggs, Jr., et ux, by deed dated November 4, 1999 and recorded in the land record books of Cecil County, Maryland in Liber W.L.B. 853, folio 409.

Said parcel is currently zoned RM under Cecil County Zoning Regulations and shall be designated R3 upon annexation to the Town of Elkton.

A copy of plat detailing the property to be annexed and the zoning classification is available for inspection at the Town Hall in Elkton during normal business hours.

And be it further resolved that the persons and property included within the aforementioned boundaries as property to be annexed shall be subject to all provisions of the Charter, laws and ordinances heretofore enacted or those subsequently enacted by the Mayor and Commissioners of Elkton, and in addition, all of the Public Local Laws or Public General Laws heretofore or subsequently passed by the Maryland Legislature on behalf of the Town of Elkton.

And be it further resolved that the property being annexed here into the municipal limits of the Town shall be subject to levy for Town taxes, including real estate and personal property taxes, when water and sewer are connected to the property. (Res. No. A1-2001, 2-2-02.)

(57) ALL that certain lot, piece, parcel or tract of land with improvements erected hereon, situate in the Third Election District, Cecil County, State of Maryland, consisting of approximately 60.235 acres more or less, located on Red Hill Road and Delancy Road and further described on Tax Map 308, Parcels 177, 178, 612, 179, 390, 1067, 737 and Tax Map 312, Parcels 277, 733, 182, 183, 181, 661, 1093, 281, 328, 184, 267, 907 and more particularly described as follows to wit:

Beginning on the southeasterly right-of-way line of Red Hill Road (width varies) and being at northwesterly corner of the lands now or formerly of Barry C. Holloway. Thence, running and binding on the said southern right-of-way line of Red Hill Road, with all courses of this description referenced to the Maryland Coordinate System NAD 83 per an "Annexation Boundary Survey" prepared by Davis Bowen & Friedel, Inc., the following six courses:

1. North 66 degrees, 23 minutes, 1 second East, 208.03 feet,
2. North 66 degrees, 12 minutes, 45 seconds East 207.92 feet,
3. North 66 degrees, 55 minutes, 7 seconds East 479.83 feet,
4. North 66 degrees, 53 minutes, 57 seconds East 309.40 feet,
5. North 66 degrees, 53 minutes, 49 seconds East 216.83 feet,
6. South 68 degrees, 4 minutes, 42 seconds East 80.36 feet to the western right-of-way line of Delancy Road. Thence, running and binding thereon, the following three courses:
7. 44.89 feet along the arc of a non tangent curve to the right having a radius of 225.00 feet subtended by a chord bearing South 23 degrees, 4 minutes, 42 seconds East 44.82 feet,
8. South 13 degrees, 9 minutes, 18 seconds East 77.55 feet,
9. South 3 degrees, 13 minutes, 53 seconds East 23.44 feet. Thence, running through the said right-of-way Delancy Road, the following course:
10. North, 87 degrees, 12 minutes, 38 seconds East 25.00 feet to the centerline of Delancy Road. Thence, running and binding thereon, the following course:

11. South 3 degrees, 00 minutes, 19 seconds East 877.91 feet to the northeasterly corner of the lands now or formerly of Bradley, et. al. Thence, running and binding on the outlines thereof, the following courses:
12. South 84 degrees, 18 minutes, 23 seconds West 198.93. Thence, running and binding on the outlines of said Bradley, et. al, the following two courses:
13. South 2 degrees, 12 minutes, 15 seconds East 318.40 feet,
14. North 84 degrees, 18 minutes, 23 seconds East 200.65 feet to intersect the aforesaid centerline of Delancy Road. Thence, running and binding thereon, the following two courses:
15. South 2 degrees, 28 minutes, 26 seconds East 530.29 feet
16. South 00 degrees, 35 minutes, 41 seconds East 388.66 feet. Thence, leaving the centerline of Delancy Road and running and binding on the outlines of the lands now or formerly of Janice L. Sommerhoff, the following three courses:
17. South 87 degrees, 28 minutes, 28 seconds West 308.40 feet,
18. South 1 degree, 14 minutes, 13 seconds East 100.06,
19. North 87 degrees, 28 minutes, 28 seconds East 308.67 feet to the centerline of the aforesaid Delancy Road. Thence, running and binding thereon, the following course:
20. South 0 degrees, 57 minutes, 36 seconds East 314.62 feet to the end of the 1st or North 70 degrees, 52 minutes, 40 seconds East 526 foot line of that tract or parcel of land conveyed by Robert James Bryan, Personal Representative of the Estate of Doris Hobart Ryan to Wilber Properties, LLC, dated August 22, 2008, and recorded among the Land Records of Cecil County in Liber W.L.B. 2542 folio 687. Thence running and binding reversely thereon and binding on the outlines of Lots 1 through 5 and part of Lot 6 as shown on a plat entitled "Buckhill Farms, Section One D" and recorded among the aforesaid Land Records in Plat Cabinet N.D.S. 8 folio 21. Thence, running and binding thereon the following courses:
21. South 66 degrees, 45 minutes, 54 seconds West 542.51 feet to the eastern outlines of the subdivisions entitled "Gray Mount Commons, Section 2" and recorded among the aforesaid Land Records in Plat Book 563 folio 1024. Thence, running and binding thereon, the following course:
22. North 23 degrees, 52 minutes, 2 seconds West 651.03 feet to the eastern outlines of the land now or formerly of Kemp. Thence, running and binding thereon the following two courses:
23. North 23 degrees, 50 minutes, 31 seconds West 1307.96 feet,
24. North 23 degrees, 51 minutes, 6 seconds West 609.23 feet to the beginning thereof; containing 60.235 acres of land, more or less, as described by Joseph Thompson & Associates, LLC, in July 2011.

Being comprised of those tracts or parcels of land being described in the following deeds:

1. W.L.B. 1260/691 – Lands of Holloway
2. W.L.B. 1260/251 Parcels 1 & 2 – Lands of Wilber Properties, LLC
3. W.L.B. 2383/339 Parcels 1 & 2 – Lands of William Q. Saienni, Jr.
4. W.L.B. 2518/703 – Lands of Frances M. Pugh
5. N.D.S. 351/605 – Lands of William J. Hendron, et ux
6. W.L.B. 2383/349 – Lands of William Q. Saienni, Jr.
7. W.L.B. 2647/387 – Lands of Wilber Properties, LLC

8. N.D.S. 196/605 – Lands of Frederick C. Rau, et ux
9. W.L.B. 2990/331 – Lands of Lee J. Younce, Jr.
10. W.L.B. 1120/484 – Lands of Maruti & Gagan Seth
11. W.L.B. 1866/246 – Lands of David R. Hobart, Jr.
12. W.L.B. 2542/687 – Lands of Wilber Properties, LLC
13. W.A.S. 342/432 – Lands of Henry C. Holland, et ux
14. W.L.B. 2961/401 – Lands of John W. Kitchen

More particularly being shown on a plat entitled “*Plat to Accompany Particular Description, Land to be Annexed into the Town of Elkton, Lands of Wilber Properties LLC, et al*” prepared by Joseph Thompson & Associates, dated July 21, 2011.

The land proposed for annexation is currently zoned “RM” (Multi-family Residential) under Cecil County zoning regulations and shall be zoned “R-3” (Multi-family Residential) under Town of Elkton zoning regulations upon annexation. (Res. No. A1-2011, 3-31-12.)

(58) All that certain lot, piece, parcel or tract of land with improvements erected hereon, situate in the Third Election District, Cecil County, State of Maryland, consisting of approximately 27.807 acres, more or less, addressed as 189 Belle Hill Road and further described on Tax Map 303, Grid 12, as Parcel 257, and as Final Plat Add-On Subdivision Plan of Belle Hill Road prepared by McBride & Zeigler Inc., Dwg. No. 20074303-8105, and recorded in the Office of the Recorder of Deeds in and for Cecil County, Maryland in Record Plat Book 1108, folio 69, [received/recorded 8/21/2007], and more particularly described as follows to wit:

Beginning at a point on the new right of way line of Belle Hill Road and a point in line of lands now or formerly of Kings Way Ninety-Five, Inc.:

Thence from said Point of Beginning the following twenty-two (22) courses and distances:

1. With the aforesaid Kings Way Ninety-Five, Inc., this and the next course and distance, North 07 degrees, 36 minutes, 39 seconds West, 774.46 feet to a corner, thence;
2. North 58 degrees, 55 minutes, 59 seconds West, 443.25 feet to a point on the Southeasterly side of Appleton Road, thence, with the same;
3. North 31 degrees, 24 minutes, 59 seconds East, 267.26 feet to a corner for lands now or formerly of Lynne M. Carrow and William M. Moore, thence, with the same the next seven courses and distances;
4. South 58 degrees, 18 minutes, 27 seconds East, 48.27 feet to a point, thence;
5. South 17 degrees, 16 minutes, 35 seconds East, 115.01 feet to a point, thence;
6. North 89 degrees, 35 minutes, 03 seconds East, 172.84 feet to a point, thence;
7. North 31 degrees, 36 minutes, 33 seconds East, 135.51 feet to a point, thence;
8. North 58 degrees, 23 minutes, 27 seconds West, 54.00 feet to a point, thence;
9. North 31 degrees, 36 minutes, 33 seconds East, 163.20 feet to a point, thence;
10. North 79 degrees, 18 minutes, 27 seconds West, 243.50 feet to a point, thence;
11. North 30 degrees, 18 minutes, 17 seconds East, 82.65 feet to a point, thence;

12. North 29 degrees, 10 minutes, 42 seconds East, 89.96 feet to a corner for lands now or formerly of Greg A. Lochten, thence, in part with same and in part with lands now or formerly of Thomas Novellino, Jr. and lands now or formerly of Truckland Partnership;

13. South 63 degrees, 46 minutes, 12 seconds East, 830.35 feet to a corner for the aforesaid Truckland Partnership, thence, with same the next three courses and distances;

14. South 08 degrees, 10 minutes, 012 seconds West, 193.42 feet to a point, thence;

15. South 77 degrees, 34 minutes, 03 seconds East, 52.83 feet to a point, thence;

16. South 71 degrees, 40 minutes, 41 seconds East, 255.07 feet to a corner for the aforesaid Truckland Partnership, thence in part with same and in part with lands now or formerly of Motel 6 Operating, LP;

17. South 08 degrees, 06 minutes; 18 seconds East, 688.19 feet to a point on the new right of way line for Belle Hill Road, thence, with same the next five courses and distances;

18. South 75 degrees, 52 minutes, 49 seconds West, 191.08 feet to a point, thence;

19. South 76 degrees, 51 minutes, 01 seconds West, 133.62 feet to a point, thence;

20. South 75 degrees, 39 minutes, 32 seconds West, 195.53 feet to a point, thence;

21. South 75 degrees, 45 minutes, 52 seconds West, 184.28 feet to a point, thence;

22. South 75 degrees, 56 minutes, 00 seconds West, 294.78 feet to the Point of Beginning.

Containing within said metes and bounds, 27.807 +/- acres of land, be they the same, more or less.

Being lands described in two Deeds to Belle Hill, LLC, a Maryland limited liability company, from Kings Way Ninety-Five, Inc., a Maryland corporation, one dated January 19th, 2007 and recorded among the Land Records of Cecil County in Liber W.L.B. 2281, folio 518, and one dated May 4, 2007, and recorded among the Land Records of Cecil County in Liber W.L.B. 2338, folio 631, saving and excepting the land consisting of 0.4280 +/- acres, more or less, conveyed to the Board of County Commissioners of Cecil County, dated February 12, 2009 and recorded among the Land Records of Cecil County in Liber W.L.B. 2611, folio 329. (Res. No. A3-2011, 1-21-12.)

# **APPENDIX I**

## **Urban Renewal Authority for Slum Clearance**

(See Note (5))

### Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal Government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum Area” shall mean any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted Area” shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban Renewal Project” shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include —
  - (1) acquisition of a slum area or a blighted area or portion thereof;
  - (2) demolition and removal of buildings and improvements;
  - (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this appendix in accordance with the urban renewal plan;
  - (4) disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
  - (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
  - (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) the preservation, improvement or embellishment of historic structures or monuments.

(f) “Urban Renewal Area” shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

(g) “Urban Renewal Plan” shall mean a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

(h) “Bonds” shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(i) “Person” shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” shall mean the President and Commissioners of the town of Elkton, a municipal corporation of this State.

#### Section A1–102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which



are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(1) to make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to: (i) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (ii) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and (iii) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;

(2) to prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;

(3) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix, including, but not limited to, the payment of any and all costs and expenses incurred in connection with, or incidental to, the acquisition of land or property, as aforesaid, and for the demolition, removal, relocation, renovation or alteration of land, buildings, streets, highways, alleys, utilities or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation or repair of streets, highways, alleys, utilities or services, in connection with urban renewal projects, and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds.[:]

(4) to hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(5) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreement with other public bodies or agencies (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for

financial assistance with the Federal Government for or with respect to an urban renewal project and related activities such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate;

(6) to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from the Circuit Court for the county in which the municipality is situated in the event entry is denied or resisted;

(7) to plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; and to make exceptions from building regulations;

(8) to generally organize, coordinate and direct the administration of the provisions of this appendix as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved; and

(9) to exercise all or any part or combination of powers herein granted.

#### Section A1–103. Establishment of Urban Renewal Agency.

The municipality may itself exercise all the powers granted by this appendix or may, if its legislative body by ordinance determines such action to be in the public interest, elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event said legislative body makes such determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix. Such ordinance shall include provisions establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said public body or agency as may be necessary. In the event the legislative body enacts such an ordinance, all of the powers by this appendix granted to the municipality shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

(1) the power to pass a resolution to initiate an urban renewal project pursuant to Section A1–104 of this appendix.

(2) the power to issue general obligation bonds pursuant to Section A1–109 of this appendix.

(3) the power to appropriate funds, and to levy taxes and assessments pursuant to Section A1–103 of this appendix.

Section A1-104. Initiation of Project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which

- (1) finds that one or more slum or blighted areas exist in such municipality;
- (2) locates and defines the said slum or blighted areas; and
- (3) finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

Section A1-105. Preparation and Approval of Plan for Urban Renewal Project.

(a) The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

(b) An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved by the municipality, as in the case of an original plan.

(c) Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

Section A1-106. Disposal of Property in Urban Renewal Area.

(a) The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this appendix. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall

state that proposals shall be made by those interested within a specified period of not less than sixty days after the first date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of sub-section (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this appendix shall be conclusively presumed to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchaser, lessees or transferees of such property is concerned.

#### Section A1-107. Eminent Domain.

Condemnation of land or property under the provisions of this appendix shall be in accordance with the procedure provided in the Real Property Article of the Code of Maryland.

#### Section A1-108. Encouragement of Private Enterprise.

The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this appendix.

#### Section A1-109. General Obligation Bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorizations of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

Section A1-110. Revenue Bonds.

(a) In addition to the authority conferred by Section A1-109 of this appendix, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Sections 9, 10 and 11 of Article 31 of the Annotated Code of Maryland (1957 Edition, as amended). Bonds issued under the provisions of this appendix are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix shall cease to be such officials before the delivery of such bond or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or security therefor, any such bond reciting in substance that it has enforceability of any bond issued under this appendix or [the] which has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this appendix.

(g) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other trust funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political sub-divisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

#### Section A1-111. Separability.

If any provision of this appendix, or the application thereof to any person or circumstances, is held invalid, the remainder of the appendix and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The powers conferred by this appendix shall be in addition and supplemental to the powers conferred by any other law.

Section A1-112. Short Title.

This appendix shall be known and may be cited as the Elkton Urban Renewal Authority for Slum Clearance Act.

Section A1-113. Authority to Amend or Repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland may be amended or repealed only by the General Assembly of Maryland.



## NOTES

(1) Former Charter Sections C7-2 through C7-10 were deleted and subsequent sections in Article 7 were renumbered during 1996 codification.

(2) Former Charter Sections C9-8 through C9-12 were deleted during 1996 codification.

(3) Former Charter Sections C10-3 through C10-5 were deleted during 1996 codification.

(4) Former Charter Sections C11-2 through C11-13 were deleted during 1996 codification.

(5) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Elkton in Chapter 762 of the Acts of the General Assembly of 1961.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland – Compilation of Municipal Charters*, the urban renewal powers for slum clearance for the Town of Elkton appear as this appendix in accordance with 80 *Opinions of the Attorney General* \_\_\_\_\_ (1995) [Opinion No. 95-037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.

(6) Resolution A1-2000, effective November 4, 2000, provided for the annexation of 10.677 acres of land, more or less. Resolution A1-2002, effective July 20, 2002, provided for the annexation of 83.2229 acres of land, more or less. Resolution A1-2003, effective July 5, 2003, provided for the annexation of 29.8536 acres of land, more or less. Resolution A1-2004, effective February 19, 2005, provided for the annexation of 0.3156 acres of land, more or less. Resolution A1-2006, effective August 5, 2006, provided for the annexation of 44.76 acres of land, more or less. Resolution A2-2006, effective November 4, 2006, provided for the annexation of 54.953 acres of land, more or less. These Resolutions, however, failed to provide for a change in the boundary description contained in this Charter. Therefore, these annexation resolutions are simply noted pursuant to the municipal general powers.

(7) The land being annexed into the corporate boundaries of the Town of Elkton by Resolution A1-2011, effective March 31, 2012, and Resolution A3-2011, effective January 21, 2012, is subject to levy for municipal taxes, including real and personal property taxes, effective upon the tax year beginning July 1, 2012.

